

**PROVINCE OF QUEBEC
MUNICIPALITY OF PONTIAC**

MINUTES of the special municipal council meeting held on Tuesday, March 26th, 2013 at 8:30 p.m. at the town hall, situated at 2024 route 148, Pontiac. Those who were present:

Edward McCann, Mayor and Councillors Inès Pontiroli, Lynne Beaton, Roger Larose and Brian Middlemiss.

Also present Mr. Sylvain Bertrand, Director General and Mr. Benedikt Kuhn, Assistant Director General.

EXCUSED ABSENCE: Dr. Jean Amyotte Pro-Mayor and Thomas Howard, Councillor

The meeting started at 9:20 p.m.

13-03-1495

ADOPTION OF THE AGENDA

1. Floor to the public and question period
2. Adoption of the agenda
3. Intersection of 148 and Terry-Fox roads
4. 2013 O.M.H. budget
5. Signature bank transaction
6. Contract renewal for the coordination of the Pontiac bicycle path
7. By-law 02-13 – Code of ethics and professional conduct for members of the Municipality of Pontiac PAC
8. By-law 03-13 abrogating by-law 06-09 and forming the CCU
9. Request for use of premises – Animation of activities parents-children
10. Notice of motion – By-law for use of drinking water
11. By-law for use of drinking water
12. Notice of Motion - Pricing by-law – Water and sewers
13. Notice of motion – Borrowing by-law, water main
14. Borrowing by-law, water main
15. Public question period
16. Closing of the meeting

It is

Moved by: Inès Pontiroli
Seconded by: Roger Larose

AND RESOLVED to adopt the agenda with the followings modifications:

Withdrawals: 10) Notice of motion – By-law use of drinking water
11) By-law use of drinking water
12) Notice of motion – Pricing by-law water and sewers

Carried

13-03-1496

MEETING WITH MTQ – REQUEST FOR TERRY-FOX ROAD AND OTHERS

It is

Moved by: Roger Larose
Seconded by: Brian Middlemiss

AND RESOLVED THAT the Municipality ask the MTQ to install a turning lane for the motorists wishing to turn on Terry-Fox heading West and East from route 148.

IT IS FURTHERMORE RESOLVED to ask the MTQ to pave, as soon as possible, the section of the 148 between the intersection of de la Rivière road and chemin de la Montagne and the one between des Pères-Dominicains road and the beginning of the 4 lanes.

Carried

13-03-1497

2013 O.M.H. FINANCIAL STATEMENTS

It is

Moved by: Lynne Beaton
Seconded by: Inès Pontiroli

AND RESOLVED THAT the Municipality accept the 2013 O.M.H. budget as presented and which shows a deficit of \$46, 608.00 and a municipal share of 10%, that is \$4, 661.00

Carried

13-03-1498

SIGNATURE BANK TRANSACTIONS

It is

Moved by: Roger Larose
Seconded by: Brian Middlemiss

AND RESOLVED THAT the Municipality authorize Mr. Benedikt Kuhn to sign the bank transactions in place of Mrs. Ginette Chevrier-Bottrill. This resolution abrogates the resolution # 12-09-1133.

Carried

13-03-1499

CONTRACT RENEWAL FOR THE COORDINATION OF THE PONTIAC BICYCLE PATH

It is

Moved by: Inès Pontiroli
Seconded by: Roger Larose

AND RESOLVED THAT the Municipality renew Mr. David Massé's contract for the coordination of the Pontiac bicycle path, at the conditions listed in the letter of offer of services he submitted.

Councillor Brian Middlemiss votes against the motion.

Carried on a divided vote

NOTICE OF MOTION

I, the undersigned **Lynne Beaton**, Councillor of the electoral district number **2**, at the Municipality of Pontiac, give notice of the presentation at a subsequent Council meeting, of a borrowing by-law for the installation and the connection of a water main in the Village of Quyon

The reading of the by-law is not necessary since the request for waiving the reading is given at the same time as the notice of motion and that a copy of the by-law has been immediately given to all present Council members and to others, no later than two juridical days before the meeting at which it is to be adopted and if, during this meeting, all present members of the Municipal Council declare having read it, waive its reading (art. 445 C.M.)

BORROWING BY-LAW 04-13

By-law 04-13 decrees an expense of \$60, 000.00 and a loan of \$60, 000.00 for the installation and the connection of a water line in the Village of Quyon, by directional drilling, under the Quyon River, for the supervision of the work, the purchase of a fire hydrant and of hoses, and the related net taxes and contingencies.

WHEREAS the notice of motion of the present by-law was duly given at the Council meeting of March 26th 2013;

It is

Moved by:

Seconded by:

AND RESOLVED THAT:

ARTICLE 1. The Council is authorized to have a water line installed and connected in the Village of Quyon, by directional drilling under the Quyon River, the supervision of the work, the purchase of a fire hydrant and of hoses and the related net taxes as per the plans and estimate prepared by Mr. Patrick Maguire, Ing. from EXP bearing number PONM-0021541, dated February 28th 2013, including the fees, taxes and contingencies, the tenders received on February 25th 2013, the budget prices for the supply pipes as per the detailed estimate prepared by Mr. Sylvain Bertrand, dated March 19th 2013, all of which are an integral part of the present by-law as annexes "A" "B" "C" and "D".

ARTICLE 2. The Council is authorized to spend an amount of \$60, 000.00 for the purpose of the present by-law.

ARTICLE 3. In order to pay the expenses provided in the present by-law, the Council is authorized to borrow an amount of \$60, 000.00 from the working capital of the Municipality over a period of 10 years.

ARTICLE 4. To cover the expenses incurred with regards to the interest and the reimbursement in capital of the loan's annual term, it is required by this present by-law and will be withdrawn annually during the term of the loan, from each owner of a taxable property located within the tax basin described in Annex "E" attached hereto as an integral part of the by-law, a compensation for each taxable property owned which is serviced by the water system.

The amount of this compensation will be established annually by dividing the incurred expenses pertaining to interest and the reimbursement in capital of the loan's annual term by the number of taxable properties whose owners are subject to the payment of this compensation.

ARTICLE 5. In the event that the amount of an appropriation authorized by this resolution is higher than the amount spent in in relation with this assignment, the Council is authorized to use the surplus to pay for other expenses declared by this Regulation and for which the appropriation would prove insufficient.

ARTICLE 6. The Council allocates to the reduction of the debt imposed by this by-law any contribution or subsidy that could be made for the payment of part or all of the expenditure ordered by this by-law.

The Council also applies to the payment of part or all of the debt service, any grant payable over several years. The term of reimbursement of the loan corresponding to the amount of the grant will be adjusted automatically to the period determined for the payment of the grant.

Article 7. The present by-law will come into force in accordance with the law.

13-03-1500

BY-LAW 02-13 – CODE OF ETHICS AND PROFESSIONAL CONDUCT FOR MEMBERS OF THE MUNICIPALITY OF PONTIAC PLANNING ADVISORY COMMITTEE

WHEREAS in virtue of article 146 of the “Act respecting land use, planning and development” (R.S.Q., c. A-19.1), the municipal council may form an advisory committee for urban planning;

WHEREAS by-law No. 06-09 that constitutes the Planning Advisory Committee was adopted on May 12, 2009;

WHEREAS article 15 of this by-law stipulates that a committee member cannot put himself in a situation where his or her spouse’s personal interest could influence his mandate, nor receive or seek any moneys, profits or advantages which could influence his judgment or in exchange to take a stand on any question submitted to the committee.

WHEREAS a notice of motion has been given on March 12, 2013.

It is

Moved by : Inès Pontiroli

Seconded by : Lynne Beaton

AND RESOLVED THAT the Municipality adopt the following code of ethics and professional conduct as follows:

SECTION 1: TITLE

The title of this code is: Code of Ethics and Professional Conduct for Members of the Planning Advisory Committee of the Municipality of Pontiac.

SECTION 2: GENERAL PROVISIONS

2.1 Definitions

In the present code, the following terms mean:

- Committee : the Planning Advisory Committee, as constituted by municipal regulation;
- Member : A committee member, whether he is a member of municipal council or not;
- Contact person : appointed by the municipal council to participate in the committee activities, but is not a member and do not have the right to vote.

2.2 Application

The contact person is subject to the same duties and obligations as a member, but he/she may have a responsibility or a contract with the municipality. The fact that a contact person is a municipal employee or a consultant, has a mandate with the municipality is not deemed as a conflict of interests.

Holding an interest under article 305 of the act respecting elections and referendums in municipalities does not fall within the present code.

2.3 Values

The committee subscribes to values focusing on respect, honesty, integrity, objectivity, impartiality and the sound management in a perspective of public interest to govern the performance of duties of its members.

2.4 Concurrent Scope

Nothing in the present exempts a member from obeying any law or any regulation which concerns him/her personally or in his/her official capacity.

ARTICLE 3 : ETHICS

SECTION 1 : Duties towards the Municipality and the population

3.1 Public interest

The committee member shall perform his/her duties in the public interest, and take any necessary steps to protect their interest.

3.2 Respect for laws and regulations

The member shall faithfully assume his/her duties in accordance with the applicable legislations, including the current municipal regulations.

3.3 Sound management

The member shall subscribe and adhere to the principles of a sound municipal administration.

3.4 Integrity

The member shall carry out his/her duties and responsibilities with integrity, dignity and impartiality.

3.5 Conflict of interests

The member shall refrain from any activity that is incompatible with his/her duties, avoid any conflict of interest and prevent any situation that might call into question his/her objectivity or impartiality.

3.6 Responsibility and contract

The member shall refrain from soliciting or obtaining a contract with the municipality, for which he/she has a vested interest in, be it for himself/herself, for a friend, a family member or a corporation.

3.7 Study and evaluation of file

The member shall pay particular attention to every file submitted to the committee in order to assess their merit by taking into account their advantages, their inconveniences, and their impacts on the whole community.

SECTION 2 : Duties towards the committee and the council

4.1 Reputation of the committee

The member shall contribute to keeping and defending the good reputation of the committee and the Municipal Council.

4.2 Collaboration

The member shall be available, do due diligence, and lend full cooperation in carrying out the mandates entrusted to the committee.

4.3 Respect for the members

The member shall show respect and courtesy in dealings with others.

4.4 Relationship of trust

The member shall seek to establish a relationship of trust with the other members or contact persons.

4.5 Following procedure

The member shall observe the legal and administrative rules governing the decision-making process.

4.6 Assessment of file

The member shall refuse to consult the contents of a file and to participate in discussions with other members about a particular file when he/she is aware of a reason justifying his/her abstention.

4.7 Disclosure of conflict of interest

As soon as he/she notices that he/she is in a conflict of interest, the member shall inform the Chair of the committee.

4.8 Solemn commitment

The member shall, during the first meeting of the committee which he/she attends, declare solemn commitment and sign a copy of it, the original being recorded in the minutes of this meeting. The contents of this commitment will be found in an appendix.

SECTION 3 : Derogatory acts

The following acts are derogatory to the dignity of a member:

- A) Misappropriation** : the use for purposes other than those that are authorized, of funds, securities or the properties entrusted to the committee or to a member in the performance of his duties;
- B) Confidentiality** : the fact of revealing or commenting on any information or document from the committee unless this information or document was made public by the competent authority;
- C) Illegal act** : in the performance of his/her duties as a member, and having sound knowledge of the facts, to commit or to participate in an illegal or fraudulent act;
- D) Gratification** : collusion with any natural or legal person to directly or indirectly gain an advantage, a profit or a bonus for oneself or another person;
- E) Favoritism** : the fact of unjustifiably discriminating against or favoring, or of encouraging a member to discriminate against or favor a project, a request or a natural or legal person who presents a project or a request other than for the advantages, inconveniences or the impact that this project or request will have on the municipality.
- F) Conflict of interest** : the fact of participating in the assessment of a file in which we know that one's interests are in conflict.

ARTICLE 4 : Coming into force

The present regulation comes into effect according to the Law.

Carried

13-03-1501

BY-LAW NO. 03-13 ABROGATING BY-LAW NUMBER 06-09 AND FORMING THE PLANNING ADVISORY COMMITTEE

WHEREAS in virtue of article 146 of the "Act respecting land use, planning and development" (R.S.Q., c. A-19.1), the municipal council may form an advisory committee for urban planning;

WHEREAS councils deems it to be in the municipality's interest to form a planning advisory committee in order to associate a representation of taxpayers to the formulation of policies pertaining to urban planning, development, zoning, subdivisions, construction, heritage and culture;

WHEREAS a notice of motion was given for this present by-law at a meeting held on March 12th, 2013;

CONSEQUENTLY, it is

Moved by Inès Pontiroli
Seconded by Lynne Beaton

AND RESOLVED that Council decrees and rules on the by-law as follows:

By-law no. 03-13 to form a Planning Advisory Committee

1. Title of by-law

The actual by-law no. 03-13 is entitled: By-law forming the Municipality of Pontiac's Planning Advisory Committee.

2. Name of committee

The Planning Advisory Committee of the Municipality of Pontiac is therefore legally formed in term urban planning.

This Planning Advisory Committee will be referred as the committee, in this document.

3. Replacement of by-laws

Any provision of the by-law and its amendments that form an Planning Advisory Committee, as well as any of the Municipality of Pontiac's resolutions that are incompatible with the provisions of this by-law are replaced, for all legal purposes.

4. Coming into force

The present by-law will come into force according to the provisions of the "Act respecting land use, planning and development" (R.S.Q., c. A-19.1)

5. Affected territory

The present by-law applies to the territory throughout, under the jurisdiction of the Municipality of Pontiac.

6. Validity

Council decrees the adoption of the present by-law as a whole, as well as article by article.

7. Setting up

The committee consists of the following:

- A group of six (6) people selected among the residents of the municipality; (preferably one representing each district);
and
- A maximum of three (3) members of the municipal Council.

8. Rights and duties of the committee

- 8.1 The committee must assist the municipal council on the follow-up of its urban planning policy;
- 8.2 The committee is in charge of studying, researching, and submitting any recommendations on all questions pertaining to urban planning, zoning, advertisement signs, site plan, and architectural integration, pathways of integrated development plan, minor derogations, subdivisions and construction, that council will submit;
- 8.3 The committee must give an opinion on any demand for minor derogation, any site plan, and architectural integration and any overall plan in accordance with the planning by-law.
- 8.4 The committee must report any observations and recommendations to the municipal council, in view of the development and the most rational use of the municipality's territory;
- 8.5 The committee is in charge of studying project by-laws and report to council;
- 8.6 The committee is in charge of studying the content of urban planning and by-laws, while considering the municipal needs, the evolution, the development plans of the MRC and also to suggest any modification and its consequences or additional projects if need be;

8.7 The recommendations, studies and opinions of the committee are given to the Municipal council as minutes, bearing the signatures of the president and secretary of the committee;

9. Members

The committee members are appointed by resolution adopted by the municipal council.

The duration of the committee member's mandate is two (2) years, it is renewable and revocable at all times by council resolution.

A member of the municipal council who sits on the committee is no longer a committee member if and when he no longer is a council member.

The mandate of a committee member ends, if he fails to assist to three (3) consecutive regular meetings, without reason.

10. Replacement of members

At all times, the municipal council may, by resolution, replace a committee member; the new member's mandate is for the remainder of the first member's mandate.

11. Contact

The officer in charge of the urban department must attend the committee meetings and participate in their activities, but does not have the right to vote.

A non-member secretary must also attend the committee meetings and participate in their activities, but does not have the right to vote.

In the absence of a secretary, a member of the Committee can participate in drafting the minutes.

Anyone designated by council resolution may also attend the committee meetings and participate in their activities, but does not have the right to vote.

A member of the municipal council other than those mentioned may attend any committee meeting. He does not have the right to vote.

12. Special meetings

Only the president may ask the secretary to convene a special committee meeting. In the case of the absence or impossibility of the president to do so, the vice-president may ask to convene a special meeting of the committee.

13. Quorum and the right to vote

Five (5) committee members, of whom at least one is a council member, constitutes quorum; each committee member has one vote;

Committee decisions are made on a majority vote;

If quorum is not met thirty (30) minutes after the time set for the meeting, the meeting is then cancelled.

14. Interest

Any committee member must, within thirty days of his nomination, give to the council a written declaration stating the existence of personal interests that he or his/her spouse might have in the municipality of Pontiac. This declaration must be updated each year.

A committee member cannot take part in deliberations to which he has personal interest in and has to leave the negotiation table.

The President has the right to vote, but is not under obligation to exercise that right. When the vote is evenly divided, the decision is then considered as being negative.

15. Ethic

A committee member cannot put himself in a situation where his or his/her spouse's personal interest could influence his mandate, nor receive or seek any moneys, profits or advantages which could influence his judgment or in exchange to take a stand on any question submitted to the committee.

16. Internal management

The provisions concerning internal management are:

- 1) By resolution, the municipal council designates a president and a vice-president who must be the councillors responsible for the urban department;
The president and vice-president may be replaced at all times, in the same manner;
- 2) The duration of the new president's mandate is for the remainder of the first president's mandate;
- 3) In the absence of the president or in the case he is unable to fulfill his duties, the vice-president leads the committee's deliberations;
- 4) In the case where the president or the vice-president are both absent or unable to fulfill their duties, the committee members chose someone among them to preside the meeting;

17. Non-observance of the rules of internal management

Council may put an end to any of the members mandate or any of the committee's contact person who refuses to act or does not respect the rules of internal management.

18. Budget

Council may vote by resolution to put sums of money at the Planning Advisory Committee's disposal that is needed to accomplish their duties.

The Planning Advisory Committee's fiscal year corresponds to the calendar year.

On October 15 of each year, the Planning Advisory Committee submits an appropriate budget to council which was necessary for the performance of its duties during the subsequent year; afterwards, the committee may submit partial budgets to council if needed. Expenses are not accepted without having had council's approval beforehand.

The committee members who do not sit on the municipal council are not paid, except if the municipal council decides otherwise by resolution.

A committee member will be reimbursed any expenditure authorized by the council that was incurred while performing his/her duties.

19. Minutes

The secretary keeps the committee's minutes and official documents.

He must submit the minutes and all other official document to council after each meeting.

The municipality remains the owner of the said minutes and of all official documents of the Planning Advisory Committee.

20. Archives

A copy of the rules of internal management adopted by the committee, the minutes of committee meetings and the documents that have been submitted to the committee must be given to the municipality's secretary-treasurer, to be included in the municipality's archives.

21. Powers

The committee may:

- 1) establish study groups consisting of its own members, or of a few of them;
- 2) by council resolution, consult a town planning consultant or any other expert;
- 3) by council resolution, may request any report or study deemed necessary;

- 4) set rules for internal management, which must be approved by council before coming into force. Council reserves the right to modify these rules by resolution to be sent to the committee's president.
22. The present by-law repeals any other by-law which have previously been adopted concerning the same subject.

COMING INTO FORCE

The present by-law will come into force in accordance with the law.

Carried

13-03-1502

REQUEST FOR USE OF PREMISES – LIBRARY- MRS. ÉMILIE LA SALLE

WHEREAS Mrs. Émilie La Salle's request for the use of the library in order to offer free parent-child activities;

WHEREAS the Municipality considers this as an additional service for our population;

It is

Moved by: Inès Pontiroli
Seconded by: Brian Middlemiss

AND RESOLVED THAT the Municipality agrees to lend the library, without charge, to Mrs. Émilie La Salle, as per the established program schedule, this for a one year term.

Carried

PUBLIC QUESTION PERIOD

Ricky Knox - Asks for an update regarding his
complaint

13-03-1503

ADJOURNMENT OF THE MEETING

It is

Moved by: Roger Larose
Seconded by: Brian Middlemiss

AND RESOLVED to close the meeting at 10:10 p.m., having gone through the agenda.

Carried

MAYOR

DIRECTOR GENERAL

« I, Mayor Edward McCann, hereby certify that the signature on the present minutes is equivalent to my signature on each and every resolution herein, as specified in article 142 (2) of the Municipal Code».