

NATIONAL ASSEMBLY
Thirty-fourth Legislature, first session

1991, chapter 86
AN ACT RESPECTING THE CITY OF SHERBROOKE

Bill 280

Introduced by Mr André J. Hamel, Member for Sherbrooke

Introduced 3 June 1991

Passage in principle 17 October 1991

Passage 17 October 1991

Assented to 17 October 1991

Coming into force: 17 October 1991

Act amended: None



CHAPTER 86

An Act respecting the city of Sherbrooke

[Assented to 17 October 1991]

Preamble WHEREAS it is in the interest of the city of Sherbrooke that it be granted certain powers;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Executive committee **1.** An executive committee, consisting of the mayor and three aldermen, is hereby established for the city of Sherbrooke.

Appointment **2.** The mayor shall appoint the three aldermen who are to be members of the executive committee. If he fails to do so, the appointment shall be made by way of a secret ballot in which each alderman shall, on pain of nullity of his ballot paper, vote for three aldermen.

Ballot The ballot paper shall consist of a list, printed under the supervision of the clerk and initialled by him, on which the names of the aldermen are entered in alphabetical order.

Voting procedure Each alderman shall receive a ballot paper from the clerk, who shall have struck out the name of the chairman of the council. The alderman shall retire to a polling booth and make, in the box printed for that purpose, a cross opposite the name of each alderman for which he casts a vote.

Voting procedure Each ballot paper must be initialled by the clerk and placed in a sealed envelope. The envelopes shall not be opened until the votes are counted by the clerk in the presence of the director general. The names of the three elected aldermen shall be made public by the clerk;

in the case of a tie-vote between aldermen who would have been declared elected had they received one additional vote, the mayor may request a new ballot or ask the clerk to hold a drawing.

Restriction The council may neither suspend nor adjourn the sitting before the members of the executive committee have been elected.

Chairman and vice-chairman **3.** The mayor shall act as chairman of the executive committee; at the first meeting of the executive committee, he shall appoint a vice-chairman from among its members; the vice-chairman shall exercise all the powers of the chairman in the latter's absence or where the office is vacant.

Operating rules **4.** Three members shall constitute a quorum of the executive committee. The mayor or any other person presiding over the executive committee is entitled to vote but is not required to do so; every other member of the executive committee is required to vote, unless he is prevented from voting by reason of his interest in the matter concerned under the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2). In the case of a tie-vote, the decision shall be deemed to be negative.

Operating rules **5.** The committee shall sit *in camera*, unless it considers that the interests of the city require that its deliberations be open to the public. The obligation to sit *in camera* does not apply to the members of the council.

Secretary **6.** The clerk of the city shall act as secretary of the committee. In his absence, the assistant clerk shall act in such capacity.

Vacancy **7.** Any vacancy on the committee shall be filled by the mayor within 30 days. Failing this, it shall be filled by way of a ballot held in accordance with section 2.

Resignation **8.** The resignation of a member of the committee shall be effective from the day of its delivery to the clerk.

Powers **9.** The council may, by by-law, delegate to the executive committee any power other than the power to make by-laws or to impose a tax. It may also determine on what matters the executive committee must, at its request, issue an opinion.

Internal management **10.** Subject to approval by the council, the committee must make rules for its internal management and may amend them whenever it deems it expedient.

Minutes **11.** The minutes of the votes and deliberations of the committee shall be drawn up and entered in a book kept for that purpose by the secretary of the committee, be signed by the secretary and the chairman of the committee after having been approved at the following sitting, and shall be opened to the inspection of any taxpayer who wishes to examine them.

c. C-19,
s. 328, am. **12.** Section 328 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended for the city of Sherbrooke by replacing the first paragraph by the following paragraph:

Presiding officer **“328.** The mayor shall preside over the sittings of the council; if he so wishes, he may ask the council to select an alderman to act as chairman; in the absence of the chairman, the council shall select one of its members to preside.”

Coming into force **13.** This Act comes into force on 17 October 1991.