

MUNICIPAL HERITAGE COMMITTEE TERMS OF REFERENCE

Statement of Recognition:

Our inheritance of architecture and cultural and natural landscapes is an important and irreplaceable asset and resource. The conservation of these resources is fundamental to creating community pride and identity, and attracting new residents and tourism, all of which have important economic impacts on our community. As well, the benefits from the conservation of our heritage architecture, and cultural and natural landscapes occur not only to the present generation but also to generations in the future. The immediacy of such conservation and heritage planning comes from the fact that, unfortunately, what is not saved and preserved today cannot be saved and preserved tomorrow.

Overview:

In Ontario, the task of conserving this inheritance of historically, architecturally, and/or contextually significant properties is primarily a municipal responsibility. The *Ontario Heritage Act* (the Act) provides a framework within which municipalities can act to ensure the conservation of these properties.

Under Section 28 of the Act, a council of a municipality is authorized to establish, through by-law, one Municipal Heritage Committee that is made up of five or more people.

Under the Act, Council is also empowered to:

- Add individual properties to the Municipal Heritage Property Register
- Designate individual property by by-law
- Amend a designating by-law
- Repeal a designating by-law
- Issue or refuse permits to alter a designated property
- Issue or refuse permits to demolish a designated property
- Purchase or lease individually designated property
- Expropriate designated property
- Enter into easements and covenants with designated property owners
- Provide grants and loans to designated property owners
- Designate districts or areas
- Initiate a prosecution for failure to comply with a designation by-law and the Act

The Municipal Heritage Committee (MHC), as an advisory committee of council, is representative of the community and, as such, is recognized as the legitimate vehicle for co-ordinating and conveying community concerns. It therefore plays an important role by enabling the community to participate more directly in the decision-making process. In general, the role of a MHC is a dual responsibility:

- To the Municipality - to advise Council on heritage issues as defined by the statutory requirements of the Act (as noted above) and the requirements set out in Section 5.3 -

Heritage Resource Policies of the Official Plan, as well as other assigned duties as defined by Council through this Terms of Reference.

- To the citizens of Chatham-Kent - to help ensure that plans for change and progress are developed in a manner that recognizes the historical continuity of the community.

1.0) Mandate of Municipal Heritage Committee

1.1 Statutory Role of MHC:

Chatham-Kent Council is required under the Act, to consult with the MHC during the designation and/or repeal of designation process for individual properties or districts and on applications to demolish and/or remove structures from, or otherwise alter designated properties. Council must also consult the MHC prior to entering into any easements or covenants pertaining to designated properties.

As such, the statutory role of the MHC is defined as:

- 1.1.1 **Register, Listing:** The MHC will advise Council prior to the listing of a property that has not been designated on the Municipal Heritage Property Register (s.27 (1), OHA).
- 1.1.2 **Register, Removal:** The MHC will advise Council prior to removing a property that has not been designated from the Municipal Heritage Property Register (s.27 (1), OHA).
- 1.1.3 **Designation:** The MHC will advise Council prior to the designation of a property (s.29 (2), OHA).
- 1.1.4 **Repeal of Designation:** The MHC will advise Council prior to the repeal of a by-law or part thereof designating a property (s. 31 (2), OHA).
- 1.1.5 **Amendment of Designation:** The MHC will advise Council prior to the amendment of a by-law or part thereof designating a property (s. 31.1 (1), OHA).
- 1.1.6 **Alteration of Designated Property:** The MHC will advise Council on applications to alter a designated property, where such proposed alteration is likely to affect the property's heritage attributes as set out in the by-law designating the property (s. 33 (1), OHA).
- 1.1.7 **Demolition:** The MHC will advise Council on applications to demolish or remove any building or structure on designated property (s. 34 (1), OHA).
- 1.1.8 **Easements/Covenants:** The MHC will advise Council before the passing of by-laws providing for the entering into of easements or covenants with the owners of real property, or interests therein, for the conservation of buildings of historical or architectural value or interest (s. 37 (1), OHA).
- 1.1.9 **Districts:** The MHC will advise Council before they undertake a study of any area of the Municipality for the purpose of designating one or more heritage conservation districts (s. 40 (2), OHA).

1.2 Non-Statutory Role

- 1.2.1 **Resource Base:** In order to effectively serve both Council and the community, the MHC will develop a resource base of heritage properties. This process will involve:
 - i. Conducting a survey of the heritage resources within the Municipality
 - ii. Researching properties for cultural heritage value or interest
 - iii. Developing an evaluation process in order to distinguish properties of heritage significance

- iv. Using this evaluation process to develop a ranking of properties of historical significance
- 1.2.2 Education and Promotion:** The MHC will work to educate individual property owners and the community as a whole on the heritage resources within the community and on the importance and methods of proper conservation and/or preservation. This important role has several components:
- i. Specific presentations to individual property owners and/or groups on the role of the MHC, the implications and importance of designation and proper architectural preservation techniques.
 - ii. Maintenance of an architectural heritage preservation resource centre that would include reference material, specialist contact names, etc. This centre could be operated in conjunction with the local museum and/or library.
 - iii. Public Programming that could take the form of lecture series, bus and/or walking tours of heritage buildings, publications and pamphlets, development of school kits and curriculum based programming (in conjunction with local museums), etc.
 - iv. Development of community recognition for architectural preservation through sponsorship of plaquing initiatives, awards for restorations and best practices renovations, etc.
- 1.2.3 Amendments to the Official Plan:** MHC input will be incorporated into the development of land use plans and covenants.
- 1.2.4 Advise and/or Inform Council with regard to Municipally-owned Heritage Properties:**
MHC input will be incorporated into proposed renovations and/or alterations to municipally-owned heritage properties. This input will be in the form of
- i. determining if proposed alterations affect the reasons for designation and, if they do, then
 - ii. make recommendations on the appropriate course of action.
- 1.2.5 Advise and/or Inform Council with regard to Provincially-Owned Heritage Properties:** In accordance with the Environmental Act, the MHC will advise and inform Council on proposed alterations to or sale of heritage properties owned or leased by the Province of Ontario, which are located in Chatham-Kent.
- 1.2.6 Advise and/or Inform Council with regard to National Historic Sites:** The MHC will advise and inform Council on the heritage properties proposed for designation by the Historic Sites And Monuments Board of Canada, on cost-sharing agreements between Parks Canada and National Historic Sites and on issues relating to railway stations designated under the Railway Stations Protection Act.
- 1.2.7 Advise and/or Inform Council of new Heritage Legislation and Funding Initiatives:** The MHC will inform and advise Council on new heritage legislation and funding initiatives either directly through reports and minutes or indirectly through noted input in reports developed by municipal staff.
- 1.2.8 Advise and/or Inform Council with regard to the Heritage Property Tax Relief Program:** The MHC input will be incorporated into decisions regarding the on-going implementation of the Heritage Property Tax Relief Program.
- 1.2.9 Budget:** The MHC will develop an annual budget for submission to Council along with well- defined goals and objectives for the upcoming year. An annual report will also be submitted to Council at the beginning of each new year outlining the MHC's accomplishments in the previous 12 months. Ultimate MHC budget approval rests with Council.
- 2.0) Organization of the Committee:**

The MHC should be composed of people who represent the Municipality of Chatham-Kent and who demonstrate a strong commitment to the terms of reference. A cross section of people should attempt to be chosen in order to bring to the Committee relevant technical and professional expertise as well as strong advocacy, communication and organizational skills.

- 2.1 Committee members will be appointed by Chatham-Kent Council.
 - 2.2 The term of a Committee member is four years coinciding with the term of the Council that has made the appointment.
 - 2.3 Additional members may be appointed throughout the term.
 - 2.4 The Committee will be composed of up to twelve persons representing each electoral ward of Chatham-Kent. In the event of certain wards not having representation, additional appointments may be made from other wards with total representation not to exceed twelve.
 - 2.5 The Committee must have a minimum of five members as stipulated in the Act.
 - 2.6 A Chatham-Kent Councillor will be appointed to the Committee
 - 2.7 A Committee member may apply for reappointment to the Committee for up to eight consecutive years. The Committee member, after serving his/her maximum term, must take a leave from the Committee for a minimum of one year prior to re-applying. Council may, at its discretion, waive this requirement if an insufficient number of citizens apply to the Committee.
 - 2.8 One member will be chosen by vote of the Committee at the first meeting of each year to chair the meetings for that year. The Committee will also at this time select a vice-chair for the same duration.
 - 2.9 A municipal staff person will hold the position of recording secretary to the Committee.
 - 2.10 The regional representative of the appropriate Provincial ministry will be included as an ex-officio Committee member but will not have a vote.
 - 2.11 Committee members act in the capacity of volunteers to the Municipality.
 - 2.12 Every effort will be made to stagger the terms of Committee members in order to avoid drastic changes in membership and to ensure continuity of experience and succession planning.
- 3.0) Meetings:**
- 3.1 The Committee will meet a minimum of eight times per year. Additional meetings may be held as required at the call of the Chair.
 - 3.2 The date and time of the regular meetings will be established for the following 12 months at the first meeting of the year. For ease of planning, every attempt will be made to hold meetings on a consistent day and location throughout the year (i.e. third Wednesday of each month at the Civic Centre in Chatham).
 - 3.3 Meetings will have a formal agenda.
 - 3.4 Agendas and information packages that will include the minutes from the previous meeting will be delivered to Committee members two weeks prior to the next meeting.
 - 3.5 A majority of Council appointed Committee members will constitute quorum for the transaction of business.
 - 3.6 Procedural matters for the Committee shall be governed by the rules governing the procedures of Council, namely the Council Procedural By-law.

4.0) Role of the Chair:

The Chair is responsible for ensuring the smooth and effective operation of the Committee and its roles. This will include responsibility for:

- 4.1 Calling the meetings
- 4.2 Creating an agenda in consultation with the municipal staff designates
- 4.3 Chairing the meetings
- 4.4 Reviewing reports from other Committee members in consultation with the municipal staff designate(s) for inclusion on the agenda
- 4.5 Acting as official Committee spokesperson and/or media contact or appointing a designate for this purpose
- 4.6 Representing the MHC on other Committees when necessary
- 4.7 The Chair does not have a vote unless there is a tie
- 4.8 In the absence of the Chair, these responsibilities will be undertaken by a Committee member designated as vice-chair
- 4.9 Authorizing Committee members expenses (i.e. mileage, conferences, etc.)

5.0) Role of Members:

Membership on the MHC is a position of responsibility and requires a strong commitment to the Terms of Reference. MHC members are required to:

- 5.1 Attend all scheduled meetings. Members who miss three or more meetings in a year without cause will be removed from the Committee. Members are required to notify the Chair or the designated municipal staff liaison if they are unable to attend a meeting.
- 5.2 Read and understand all information supplied to them.
- 5.3 Present reports on local panel activities and insure that these reports are included on the agenda.
- 5.4 Prepare information, including the designation report for use in the development of designation by-laws.
- 5.5 Make site visits to properties proposed for designation and to designated properties applying for building, renovation, and/or demolition permits when required.
- 5.6 Promote the heritage resources, architectural preservation and the role of the MHC within their respective wards.
- 5.8 Contribute input into Committee reports to Council.
- 5.9 Undertake research of inventoried properties within their respective communities.
- 5.10 Undertake training as required to effectively perform their role as a Committee member (expenses to be covered through the MHC budget).
- 5.11 Be familiar with municipal, provincial and federal legislation that applies to architectural preservation.
- 5.12 Publicly support the recommendations of the MHC.
- 5.13 Committee members will adhere to the Municipal Code of Conduct and Conflict of Interest policies. Members will disclose any conflicts of interest at the beginning of meetings.
- 5.14 As appointees, individuals do not have any authorities or responsibilities, and the exercise of power is only through the MHC.

6.0) Role of Municipal Staff:

MHC, by its nature and purpose, affects and is affected by many different municipal departments (i.e. Community Development, Corporate Services, Infrastructure and Engineering Services, Legislative Services, etc.). Municipal staff's support of the MHC is the responsibility of the Planning Services Division. Municipal staff will be responsible for carrying out the following functions with respect to the Committee:

- 6.1 Assisting the Chair in the creation of an agenda
- 6.2 Taking minutes at MHC meetings
- 6.3 Maintaining an up-to-date record of previous MHC meetings, attachments and reports
- 6.4 Distributing minutes of previous meetings and the agenda for the upcoming meeting at least two weeks prior to the next scheduled meeting
- 6.5 Acting as a resource for the Committee during meetings that may include presenting background reports, distribution of government information pertaining to the mandate of the MHC, etc.
- 6.6 Undertaking an orientation with MHC members at the first meeting after Council's selection of the Committee
- 6.7 Facilitate the recommendations of the MHC to Council through the creation of reports (see Section 7.0)
- 6.8 Maintain a record of all designated properties within the Municipality that will include copies of the relevant by-laws, reasons for designation, etc.
- 6.9 Ensure that other divisions of the municipality, whose responsibilities and actions may impact on designated properties, are aware of designated properties, the implications of a designation and of the role of the MHC
- 6.10 Submit an annual budget proposal on behalf of the MHC. Ultimate budget approval will rest with Chatham-Kent Council
- 6.11 Administrate the MHC budget
- 6.12 Members of municipal staff do not have a vote on the Committee
- 6.13 Maintain up-to-date procedures relating to the processes where the Committee advises Council on matters listed in Section 1.1 of these Terms of Reference
- 6.14 Maintain up-to date procedures relating to the alteration process for municipally-owned designated property
- 6.15 Ensure that all members of the MHC have entered into a Confidentiality Agreement with the Municipality at the start of their term
- 6.16 Post approved MHC agendas and minutes on the Municipality's website
- 6.17 Post Notices pertaining to applications of the Act (included under Section 1.1 of these Terms of Reference) on the Municipality's website

7.0) Reports to Council:

As a Committee of Council, the MHC is responsible for making recommendations to Council based on its mandate.

- 7.1 The Council representative can represent the MHC's issues and recommendations to Council
- 7.2 Minutes from the MHC meetings are included in Council information packages
- 7.3 Draft reports to Council dealing with issues of concern to the MHC will be forwarded to the MHC for comment. MHC comments on the reports' recommendations will be noted in the minutes and can either be incorporated into the body of the report or noted in the 'Consultation' section
- 7.4 Reports from the MHC to Council will be prepared and submitted with Committee input, through the Planning Services Division. Administrative input on MHC recommendations will be sought from all relevant divisions and their input will either be incorporated in the recommendations or noted in the 'Consultation' section of the Report
- 7.5 The MHC will prepare an annual report to Council that will summarize the activities of the Committee in the previous year and a suggested work plan for the coming year. The preparation of this report will allow the Committee to ensure that it is meeting its goals

and adhering to its Terms of Reference. This report will also allow Council the opportunity to monitor the progress of the Committee and to appropriately allocate resources.