

**THE CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO 2011-28**

A By-Law to establish a Municipal Heritage Committee

WHEREAS Subsection 28(1) of the Ontario Heritage Act, R.S.O. c.O. 18 provides that the Council of a Municipality may, by by-law, establish a municipal heritage committee, of not less than five members, to advise Council in respect of the Ontario Heritage Act, Parts IV and V and such other matters as the Council may specify by By-law;

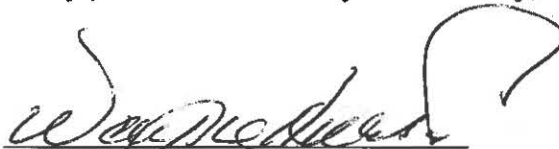
AND WHEREAS Council has determined that it is desirable and in the public's interest to establish a municipal heritage committee to advise Council on matters pertaining to the Act;

AND WHEREAS the municipal heritage committee shall be known as the Amherstburg Municipal Heritage Committee;


NOW THEREFORE the Council of the Corporation of the Town of Amherstburg enacts as follows;

1. The Amherstburg Municipal Heritage Committee is hereby established.
2. The Terms of Reference for the Amherstburg Municipal Heritage Committee shall be as set out in Schedule "A" attached to and forming part of this By-law.
3. That any By-law inconsistent with this By-law is hereby repealed.
4. That this by-law shall come into force and take effect upon on the date of the third and final reading thereof.

READ a first, second and third time and finally passed this 22 day of February, 2011.



Mayor, Wayne Hurst



Clerk, Brenda M. Percy

**TOWN OF
AMHERSTBURG**



**POLICY NO.: C00-00 TERMS OF REFERENCE-
HERITAGE COMMITTEE**

SOURCE:

SECTION:

DATE ENACTED: October 27, 2008

DATE OF AMENDMENT:

Mandate

Our inheritance of architecture, cultural and natural landscape is an important and irreplaceable asset and resource. The conservation of these resources is fundamental to creating community pride and identity, attracting new residents and tourism, all of which have important economic impacts on our community. As well, the benefits from conservation of our heritage architecture and cultural/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 can not be saved and preserved tomorrow.

Role of Committee

Municipal Heritage Committee activities are largely determined by its provincially and municipally legislated role and include:

1. Advise Council on matters of cultural heritage.
2. Advise Council on all applications pertaining to a heritage property or a heritage district for the purpose of:
 - Designation or de-designation;
 - Alteration, addition or demolition;
 - Loans or grants; or
 - Easement agreements.
3. Advise and assist with the development and maintenance of an inventory of the Town's heritage resources. Typical activities include: Surveying, Inventory and Researching.

Many municipalities begin their heritage conservation programs by examining, researching, and evaluating all the properties and areas that may deserve protection now and in the future. The results of such a survey or inventory can make individual designation decisions easier and more objective. An inventory is also an effective tool for showcasing a community's properties of heritage value or interest.

4. Advise and assist with the development of municipal heritage conservation guidelines and significance criteria, and with municipal heritage policies, plans and programs; input to be included in development of policies, land use plans and related to the Towns Official Plan.

5. Advise and inform Council of new heritage legislation and funding initiatives.

The AHC 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 Tecumseh administration.

6. Advise and develop working relationships with owners of heritage designated properties such as, providing advice to property owners and appropriate conservation and maintenance practice.
7. Advise and assist with the development of education programs and promote the activities of the AHC.

AHC is active in promoting heritage conservation within communities. Municipal Heritage Committees often produce newsletters, descriptive guides, exhibits, and other educational material about notable buildings, streets, landscapes and districts to raise awareness of the unique qualities of the properties of heritage value or interest.

8. Liaise with other like organizations to promote Amherstburg's cultural heritage.

The AHC enables the community to express its interests in heritage conservation through a recognized forum, and to know and understand heritage issues. However, keep in mind that municipalities by themselves can not provide all the heritage conservation opportunities in the community. Cooperation and consultation with other heritage and community organizations not only supports existing networks but also promotes community involvement.

9. Develop an annual budget for submission to Council along with well-defined goals and objectives for the upcoming year.

Ultimately AHC budget approval rests with Council. AHC is accountable to Council for its financial transactions.

10. Advise and inform Council with regard to provincially-owned heritage properties.

In accordance with the Environmental Act, the AHC 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 Amherstburg.

11. Advise/Inform Council with regard to national historic sites.

The AHC 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.

Objectives of Committee

The AHC may advise and make recommendations to Council in accordance with its role. Reports may be submitted as follows:

1. Verbally by a Council representative.
2. Verbally by the Chair or the designated representative.
3. Minutes from the AHC meetings
4. Written reports

An annual report will also be submitted to Council at the beginning of each New Year outlining the AHC's accomplishments in the previous twelve months.

Availability

Committee members must be able to attend a majority of meetings. Failure to attend three (3) consecutive meetings, except for reasons of illness or accident, will be grounds for replacement by Council.

Composition

The AHC should be composed of people residing within the Town of Amherstburg 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 MHC relevant technical and professional expertise as well as strong advocacy, communication and organizational skills.

1. Appointment will be advertised in local newspapers as per Town's procedures for Committees of Council.
2. Committee Members will be appointed by Council.
3. The term of a Committee Member is two (2) years.
4. Additional members may be appointed throughout the two (2) years for the duration of the term.
5. The Committee will be composed of up to ten (10) members. The AHC must have a minimum of five members as stipulated in the Act.
6. A Committee Member may apply for a re-appointment for any number of consecutive or non-consecutive terms, in order to ensure transfer of knowledge and continuity amongst Committee Members.

7. One member will be appointed by vote of the committee at the first meeting of each New Year to chair the meetings for that year. The committee will also, at this time, select a vice-chair for the same duration.
8. A Municipal staff person will record the minutes of meetings of the AHC. The Clerk and Planning Departments shall interact in an advisory manner to the committee on an as required basis.
9. The regional representative of the Provincial Ministry will be invited to provide support to the AHC in an advisory manner.

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

1. Calling the meetings to order.
2. The Chair is encouraged to create an informal atmosphere to encourage the exchange of ideas such as, using a roundtable format.
3. Creating an agenda in consultation with the municipal staff designate(s).
4. Chairing the meetings.
5. Acting as spokesperson.
6. Representing the AHC on other committees when necessary.
7. The Chair shall conduct meetings in accordance with the Town's Procedural By-law
8. In the absence of the Chair, these responsibilities will be undertaken by a committee member designated as vice-chair.

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

1. Attend all regular scheduled meetings. Members who miss two (2) 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.
2. Review all information supplied to them.
3. Prepare information for use in the development of heritage designation related by-laws.
4. Make site visits to properties proposed for heritage designation and to heritage designated properties applying for building/renovation/demolition permits when required.
5. Promote the heritage resources, architectural preservation and the role of the AHC.
6. Offer input to committee reports to Council.
7. Research inventoried properties as may be necessary.
8. Attend training as required to effectively perform their role as a committee member (expenses to be covered through the AHC budget).
9. Be familiar with municipal, provincial and federal legislation that applies to architectural preservation.

10. Committee Members are subject to The Municipal Conflict of Interest Act R.S.O, 1990, c.M50 and must disclose any direct or indirect pecuniary interest. The disclosure must be recorded in the minutes of the meeting.

Term

The term of the Amherstburg Heritage Committee members will be for a two year period with option of Council to re-appoint for an additional two years. All appointments will end with the end of a Council term.

Vacancies

In the event of a vacancy, the Chair will advise Council immediately and recommend the position be filled for the remainder of the term.

Meetings

The Committee will normally meet once per month. When possible, these meetings will occur on a regularly scheduled reoccurring date, such as the first Thursday of each month. The Committee will advise the Clerk's office of their meeting schedule and any changes to same.

A minimum of 50% of the voting membership must be in attendance for any voting to take place.

Minutes and Agendas

Agendas for meetings will be prepared on an as needed basis at the discretion of the Committee. A standard Agenda template will be provided by the Clerk's office which will be followed.

Minutes will be prepared for every meeting and will be amended as necessary and adopted at the next scheduled meeting of the Committee. Once adopted, all Minutes will be immediately provided to the Town Clerk for inclusion on the next regular Council Agenda. A standard Minute template will be provided by the Clerk's office which will be followed.

Committee Resolutions

Only resolutions as they appear in the adopted Minutes will be considered as officially representing the positions of the Committee.

Reporting to Council

Reports to Council will be presented to the Clerk's office for inclusion on a Council agenda within the required time frames. A standard Report template will be provided by the Clerk's office which will be followed.

Committee representation will be formally requested to meet with Council at minimum once annually during the Strategic Planning Process & Budget Planning Session.

Committee representation can request to appear as a presentation or delegation to Council anytime during regularly scheduled Council Meetings.

Under Part IV of the Ontario Heritage Act on Conservation of Cultural Heritage Value or Interest, Council is required to consult with the AHC:

1. When updating the list of properties on the register;
2. Before giving notice of its intention to designate a property;
3. Before amending a by-law affecting a property under the Act;
4. Before repealing a by-law or part thereof designating a property;
5. Before considering an application for designated property to repeal the by-law or part thereof designating the property;
6. On an application to alter a designated property where the alteration is likely to affect the heritage attributes (listed in the statement of heritage value or interest) as set out in the bylaw designating the property;
7. Before delegating power to an employee or official of the municipality to consent to minor alterations of individually designated property;
8. On an application to demolish or remove any building or structure on a designated property; and,
9. Before passing bylaws providing for the entering into easements or covenants with owners of real property, interests therein, for the conservation of properties of cultural value or interest.

Under Part V of the Ontario Heritage Act on Heritage Conservation Districts, Council is required to consult with the AHC.

1. Before passing a bylaw to define a study area for future possible designation as a heritage conservation district;
2. Before a proposed heritage conservation district plan is passed;
3. Before Council delegates by bylaw its power to grant permits for the alteration or property situated in a heritage conservation district; and,
4. On an application to demolish or remove any building or structure on property in a heritage conservation district.

Support Services

Reasonable office supplies and copies of documentation as required will be provided through the staff resource person to the Committee at no cost.

Council may provide a budget to cover special projects as requested by the Committee which are approved in advance thru the budget process.

The Town of Amherstburg Heritage Committee (AHC), by its nature and purpose, affects and is affected by many different Municipal departments (i.e. planning, solicitor, building permits, building maintenance, etc.) Assistance will be provided on an as required basis from Clerks Services and the Planning and Building Services Departments. Municipal staff will be responsible for carrying out the following functions with respect to the Committee:

1. Assisting the Chair in the creation of an agenda.
2. Recording minutes at regular meetings.
3. Maintaining AHC meetings, minutes and agendas
4. Distribution of regular meeting agendas.
5. Acting as an information resource.
6. Orientation of AHC members at the first meeting after Council appointment.
7. Assist the AHC in its reporting to Council (see Sec. 7.0).
8. Ensure that Departments are aware of designated properties, the implications of designation and of the role of the AHC.
9. Present AHC proposed budget to Council for approval.
10. Monitor the AHC budget and approve expenses.
11. The Clerk will maintain a list of designated properties situated in the municipality that is of cultural heritage value or interest. In accordance with section 27 of the Act.
12. Provide applications for demolition permits to the AHC for review in advance of demolition permit being issued.
13. Provide correspondence related to heritage matters to the AHC.

Terms of Reference Amendments

At least one-half of the membership of the Committee must be present at a meeting in which any amendments to the Terms of Reference are proposed for recommendation to Council. Amendments to the Terms of Reference shall only be made if approved by Council.