

Staff Report



To **City Council**

Service Area Infrastructure, Development and Enterprise Services

Date Monday, June 12, 2017

Subject **Heritage Guelph Terms of Reference**

Report Number IDE 17-70

Recommendation

1. That the terms of reference for Heritage Guelph, the municipal heritage committee, included as Attachment 1 to IDE Report IDE 17-70 dated June 12, 2017 be approved.
2. That a by-law be enacted to confirm Heritage Guelph as the municipal heritage committee pursuant to the Ontario Heritage Act.

Executive Summary

Purpose of Report

This report provides information about a new terms of reference for Heritage Guelph, the municipal heritage committee.

Key Findings

Heritage Guelph is an advisory committee of City Council that was established in 1977 in accordance with the Ontario Heritage Act.

A new terms of reference is recommended for the committee to ensure that the committee's work is aligned with the Ontario Heritage Act (as amended), is consistent with the City's Official Plan and is aligned with the City's Procedural By-law.

Heritage Guelph was engaged in the development of the terms of reference and supported the recommended terms of reference attached to this report.

Financial Implications

N/A

Report

Heritage Guelph, the Municipal Heritage Committee (formerly known as Guelph Local Architectural Conservation Advisory Committee or LACAC), was authorized by City Council in August 1977 in compliance with the Ontario Heritage Act of 1975. The first meeting of the Committee was held on September 28, 1977. The City of Guelph has consistently had a Municipal Heritage Committee since it was first authorized. Heritage Guelph is an advisory committee appointed by City Council. The purpose, mandate and governing procedures for Heritage Guelph are outlined in the new terms of reference (see **Att-1**).

An updated by-law to confirm Heritage Guelph as the established municipal heritage committee for the City of Guelph is recommended in accordance with the requirements of the Ontario Heritage Act.

A new terms of reference for Heritage Guelph is recommended because it has not been formally updated since the 1990's and to ensure that the committee's work is:

- aligned with the Ontario Heritage Act as amended;
- consistent with the City's Official Plan policies (OPA 48);
- aligned with the City's Procedural By-law (By-law Number (2015) – 19938.

The new terms of reference includes:

- committee composition;
- mandate which reflects current legislation and policy; and
- references city by-laws and procedures for governance of the committee.

The Ontario Heritage Act provides the legislative basis for City Council to establish and consult with municipal heritage committees.

The Ontario Heritage Act was comprehensively amended in 2005. Heritage Guelph's terms of reference has not been revised since that time and therefore updates are required to ensure that it appropriately reflects the requirements of the Act.

Section 28 (1) of the Ontario Heritage Act states that the Council of a municipality may by by-law establish a municipal heritage committee to advise and assist council on matters relating to the Act and to other heritage matters as the council may specify. The Act also states that the committee shall be composed of not fewer than five members appointed by Council.

Heritage Guelph has generally consisted of twelve members although this has not been formally incorporated into the terms of reference for the committee in the past. It is recommended that the committee consist of nine members appointed by City Council. This change in membership continues to allow for diverse skill sets

within the membership while allowing for efficiencies in administration and making it easier to achieve quorum. The new terms of reference also sets out areas of expertise that would be considered when appointments to the committee are made. The Committee currently has 9 Council appointed members due to recent resignations from the Committee and, as such, no action is needed related to the recommended changes to committee composition.

The Ontario Heritage Toolkit provides guidance on the role and mandate of municipal heritage committees as set out in the Ontario Heritage Act. The Toolkit provides the basis for the mandate for Heritage Guelph outlined in the terms of reference.

The City's Official Plan sets out the policy framework for the conservation of cultural heritage resources in the City and the role of Heritage Guelph in implementing those policies.

City Council adopted the City's Official Plan review amendment (OPA 48) in 2012. OPA 48 included modifications to the cultural heritage resource section including policies for Heritage Guelph. These modifications are consistent with the Ontario Heritage Act and outline Council's policies for the conservation of cultural heritage resources. The policies also set out the matters which Heritage Guelph will be consulted on in order to provide advice to Council through staff.

The new terms of reference includes areas of responsibility for Heritage Guelph as set out in the Official Plan through OPA 48.

Heritage Guelph is governed by the City's Procedural By-law and the Advisory Committee Meeting Procedures.

The terms of reference also sets out the governance of order and procedure for the committee. As such, references are made to the City's Procedural By-law and the advisory committee meeting procedures. This allows for consistency in the application of rules for governing the order and procedures of the committee.

Consultation with Heritage Guelph members resulted in the recommended terms of reference which received the committee's support.

Heritage Guelph was engaged in the drafting of the terms of reference and was consulted on the proposed terms of reference in 2016 with the committee passing the following resolution:

THAT Heritage Guelph supports the proposed Heritage Guelph Committee Terms of Reference as amended at the May 24, 2016 meeting of Heritage Guelph, with minor clarifications to be confirmed by Planning staff with the City Clerk.

Heritage Guelph had further discussions about their meeting time and have confirmed at their March 27, 2017 meeting that they will continue with their regular meeting schedule (i.e., one meeting per month held on the second Monday at 12:00pm). The terms of reference provides for the meeting date and time to be set by the committee in consultation with the City Clerk.

The terms of reference sets out the committee's reporting relationship with City Council.

As an advisory committee of Council, Heritage Guelph is required to report to Council in accordance with the City's Advisory Committee Meeting Procedures. While the minimum is set out in the meeting procedures, the terms of reference for Heritage Guelph sets out that they will report their meeting agendas and minutes to City Council on a monthly basis.

Financial Implications

N/A

Consultations

Heritage Guelph members were engaged in the drafting of the terms of reference and the committee passed motions supporting the terms of reference and their meeting date and time. Heritage Guelph members will be notified of the decision of Council at their July committee meeting.

Corporate Administrative Plan

Overarching Goals

Service Excellence

Service Area Operational Work Plans

Our People- Building a great community together

Attachments

ATT-1 Heritage Guelph Committee Terms of Reference

Departmental Approval

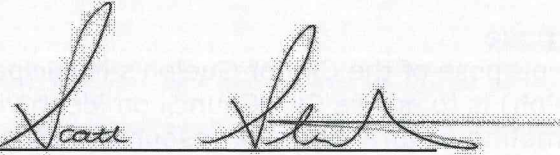
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HERITAGE GUELPH

MUNICIPAL HERITAGE COMMITTEE OF GUELPH CITY COUNCIL TERMS OF REFERENCE

Purpose

The purpose of the City of Guelph's Municipal Heritage Committee (Heritage Guelph) is to advise City Council on identifying, protecting, conserving and promoting cultural heritage resources in the community through designation, education, and stewardship.

Legislative Framework

The City of Guelph's municipal heritage committee, Heritage Guelph, was established in 1977 to advise and assist City Council on heritage matters in accordance with the Ontario Heritage Act. The Ontario Heritage Act enables municipal councils to create by-laws to designate and protect properties of cultural heritage value or interest. The Ontario Heritage Act requires City Council to consult with their established municipal heritage committee on:

- The designation of individual properties and of Heritage Conservation Districts;
- Applications to alter designated properties;
- Applications to demolish or remove properties of cultural heritage value or interest;
- Applications to repeal designation by-laws; and
- Easements or covenants.

The Ontario Heritage Act also requires municipalities to maintain a register of properties of cultural heritage value or interest situated in their municipality. This register must include all properties in the municipality that are designated under Part IV of the Ontario Heritage Act by the municipality or by the Minister of Culture and may include properties of cultural heritage value that have not been designated. Such properties may or may not include built structures, but will contain elements that signify local identity.

Mandate

Under the *Ontario Heritage Act*, Heritage Guelph's role is advisory and consultative. Heritage Guelph is an advisory committee of Council that provides City Council with advice and assistance on the conservation of cultural heritage resources within the City of Guelph, including the identification, designation, and listing, of such properties. Heritage Guelph's roles and responsibilities, as outlined in the City's Official Plan, are:

Heritage Guelph will be consulted, as appropriate, on matters associated with the identification, evaluation, *listing, conservation, restoration, protection and enhancement of cultural heritage resources.*

Heritage Guelph will advise and assist Council in the identification and

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prioritization of *cultural heritage resources* within the City in accordance with the criteria for determining *cultural heritage value or interest* established by Provincial regulation.

Heritage Guelph will provide advice to Council on the designation of properties under Part IV of the *Ontario Heritage Act* and the delineation and designation of *Heritage Conservation Districts* under Part V of the *Ontario Heritage Act*.

Heritage Guelph will provide advice on *cultural heritage value or interest* on all matters referred to it by Council.

Heritage Guelph will encourage and foster public education, awareness, participation in, and appreciation of the conservation of *cultural heritage resources* by installation of plaques, *conservation awards*, publication of literature, assistance to the media and other means considered appropriate by Council.

Heritage Guelph will be consulted on development proposals that require a Cultural Heritage Resource Impact Assessment (CHRIA) or a scoped CHRIA.

Heritage Guelph's responsibilities also include:

- Providing advice on appropriate policies for the conservation of cultural heritage resources within the City Guelph, including Official Plan policies;
- Providing advice to City Council and commenting on legislation, programs, and funding that may impact the community's cultural heritage resources;
- Assisting Heritage Planning staff in the adequate identification of cultural heritage resources, and assist in suitable property research preparatory to designation and conservation of properties and districts;
- Providing advice to Heritage Planning staff as required regarding municipal grants to owners of designated properties.

Reporting

Heritage Guelph reports to City Council through the applicable City department that oversees heritage planning. Heritage Guelph agendas and minutes are posted on the City of Guelph website and reported to City Council monthly. Heritage Guelph may contribute to an annual report prepared by Planning staff to provide a summary of their achievements.

Committee Composition

Heritage Guelph shall consist of nine members appointed by Guelph City Council as per the Citizen Appointment Policy. Appointments to Heritage

Guelph may include the following broad sectors or spheres of expertise: built heritage, local history, architecture, landscape architecture, urban geography, cartography, planning, construction, law, archaeology, real estate or first-hand experience with building restoration. Committee members must be appointed pursuant to the City's Public Appointment Policy or any successor thereof.

Sub-Committees and Working Groups

The Guelph Municipal Heritage Advisory Committee may form sub-committees and working groups as necessary to address specific issues; it being noted that secretarial support to these sub-committees or groups is provided when required at staff's discretion.

Terms of Office

Appointments to Heritage Guelph shall be consistent with the Public Appointment Policy. The Committee will elect a Chair and Vice-Chair for a term consistent with the City's Procedural By-law or any successor thereof.

Conduct

The conduct of the members of the Guelph Municipal Heritage Advisory Committee shall be in keeping with the City's Procedural By-law and Code of Conduct.

Meetings

Heritage Guelph meetings shall be once monthly at a date and time set by Heritage Guelph in consultation with the City Clerk. Length of meetings shall generally not exceed two hours unless agreed upon by a majority of members present through a motion and vote. Meetings of sub-committees and/or working groups that have been formed by Heritage Guelph may be scheduled at any time and at any location and are in addition to the regular meetings of Heritage Guelph. Staff resources will be provided for working group and sub-committee meetings at the discretion of the Manager of Policy Planning and Urban Design or any successor thereof. If staff resources are allocated for sub-committee or working group meetings, the meetings shall, whenever possible, be held during regular City Hall business hours. Heritage Guelph meetings shall not conflict with regular Council meetings.

Staff Resources

The City's Senior Heritage Planner, or any successor thereof, is the staff liaison to the Committee and a member of the City's Planning, Urban Design and Building Services staff assists with the administrative needs of the Committee.

Budget

Funding support for Heritage Guelph is allocated and administered by Planning, Urban Design and Building Services. Funding allocations are requested annually through the Planning, Urban Design and Building Services operating budget and considered for approval by City Council. Approved funds are to be used for the following activities:

- Administrative support (e.g., photocopying, meeting materials, and

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- costs associated with research);
- Training;
- Heritage designation plaques and signage;
- Outreach, communications and education events and materials.

Remuneration

Heritage Guelph members are volunteer appointments and receive no remuneration.

Governance of Order and Procedure

The City of Guelph's Procedural By-law (which provides rules for governing the order and procedures of the Council of the City of Guelph), the Advisory Committee Meeting Procedures, the Public Appointment Policy, and the Ontario Heritage Act (as amended) shall all be followed for all matters not specifically addressed within this document. These Terms of Reference are established by Council and can only be altered by Council approval.

