



MUNICIPAL HERITAGE COMMITTEE

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MUNICIPALITY OF SOUTH HURON

MUNICIPAL HERITAGE COMMITTEE

TERMS OF REFERENCE

Statement of Recognition:

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 a 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 impacts on our community. 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 and architecturally significant properties is primarily a municipal responsibility. The *Ontario Heritage Act* R.S.O. 1990 c.O.18 (Act) provides a framework for helping municipalities conserve properties of significant heritage value or interest. It also enables and encourages citizen participation in heritage conservation locally. Through the *Act*, a municipal advisory committee is made up of at least five (5) people. The function of the Municipal Heritage Committee is to:

- 1) Advise Council on local heritage matters and
- 2) To assist Council in carrying out its heritage conservation program.

1.0 Role of Municipal Council

Under Section 28 of the *Ontario Heritage 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:

- Designate individual property and designate districts or areas
- Issue or refuse permits to alter or demolish a designated property
- Repeal designation by-laws
- Purchase or lease individually designated property
- Expropriate designated property
- Enter into easements and covenants with property owners
- Institute a prosecution for failure to comply with a designation by-law
- Provide grants and loans to designated property owners in accordance with Section 39 of the *Ontario Heritage Act*
- Provide property tax relief to designated property owners in accordance with Section 365.2 of the *Municipal Act*

Cultural heritage resources can be identified as:

- Buildings and structures,
- Cemeteries,
- Natural heritage,
- Cultural heritage landscapes,
- Archaeological sites, including marine archaeology,
- Spiritual sites,
- Cultural heritage resource collections,
- Intangible heritage,
- And more...

These statutory powers give rise to the following responsibilities of a municipal Council:

- Setting the municipal budget to be used for heritage conservation;
- Carrying out heritage conservation policies in the Official Plan and its amendments; and,
- Receiving recommendations and consulting with the municipal heritage committee and having due regard for the committee's advice on designation, alterations to designated property, demolition, repeal of designation bylaws, and other matters relating to heritage conservation in the municipality.

2.0 Role of the Municipality of South Huron Heritage Committee (MOSHHC)

Municipal Heritage Committee activities are largely determined by their provincially and municipally legislated roles and include:

- 2.1 Advising Council on matters of cultural heritage;
- 2.2 Advising Council on all applications pertaining to a heritage property or a heritage district for the purpose of:
 - a. Designation or de-designation;
 - b. Alteration, addition or demolition;
 - c. Loans or grants; or
 - d. Easement agreements.
- 2.3 Advising and assisting with the development and maintenance of an inventory of the Municipality's heritage resources. Typical activities include: Surveying, Inventory and Researching.
- 2.4 Advising and assisting 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 Municipality's Official Plan.
- 2.5 Advising and informing Council of new heritage legislation and funding initiatives. The MOSHHC 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 Municipality of South Huron administration.

- 2.6 Advising and developing working relationships with owners of heritage designated properties such as, providing advice to property owners and appropriate conservation and maintenance practice.
- 2.7 Advising and assisting with the development of education programs and promote the activities of the MOSHHC.
- 2.8 Liaise with other like organizations to promote the Municipality of South Huron's cultural heritage.
- 2.9 Developing an annual budget for submission to Council along with well-defined goals and objectives for the upcoming year.
- 2.10 Advising and informing Council with regard to provincially-owned heritage properties.

3.0 Organization of the MOSHHC:

The MOSHHC shall be composed of people residing within the Municipality of South Huron 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 MOSHHC relevant technical and professional expertise as well as strong advocacy, communication and organizational skills.

- 3.1 Appointment will be advertised in local newspapers as per Municipality's procedures for Committees of Council.
- 3.2 Committee Members will be appointed by South Huron Council.
- 3.3 The term of a Committee Member is one (1) four year term in accordance with a Council term.
- 3.4 Additional members may be appointed in a Council term and serve for the remainder of the term.
- 3.5 The Committee will be composed of a minimum of (5) five committee members..
- 3.6 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.
- 3.7 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.

- 3.8 A Municipal staff person will record the minutes of meetings of the MOSHHC. The Clerk and Planning Department, or their designates, shall interact in an advisory manner to the committee on an as required basis.
- 3.9 A regional representative of the Provincial Ministry will be invited to provide support to the MOSHHC in an advisory manner.
- 3.10 One members will an elected official of South Huron Council, or their designate, and will form part of the MOSHHC and the Mayor is an ex-officio member to the Committee.

4.0 Meetings:

- 4.1 The MOSHHC will hold their regular meetings three times annually.
- 4.2 The date and time of the regular meetings will be established at the first meeting of each year.
- 4.3 Meetings will have a formal agenda.
- 4.4 Agendas and information packages that will include the minutes from the previous meeting, will be sent (via mail, e-mail, or fax) to Committee Members one (1) week prior to the next meeting.
- 4.5 A majority of Council appointed Committee Members will constitute quorum for the transaction of business.
- 4.6 The members may meet occasionally informally to discuss issues as warranted.

5.0 Role of The Chair:

The Chair is responsible for insuring the smooth and effective operation of the Committee and its roles in accordance with the Municipality's meeting procedures. This will include responsibility for:

- 5.1 Calling the meetings to order.
- 5.2 The Chair is encouraged to create an informal atmosphere to encourage the exchange of ideas such as, using a roundtable format.
- 5.3 Chairing the meetings.
- 5.4 Acting as spokesperson.
- 5.5 Representing the MOSHHC on other committees when necessary.
- 5.6 The Chair shall conduct meetings in accordance with the Municipality's Procedural By-law

- 5.7 In the absence of the Chair, these responsibilities will be undertaken by a committee member designated as vice-chair.

6.0 Role of Members:

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

- 6.1 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.
- 6.2 Review all information supplied to them.
- 6.3 Prepare information for use in the development of heritage designation related bylaws.
- 6.4 Make site visits to properties proposed for heritage designation and to heritage designated properties applying for building/renovation/demolition permits when required.
- 6.5 Promote the heritage resources, architectural preservation and the role of the MOSHHC.
- 6.6 Offer input to committee reports to Council through Committee minutes.
- 6.7 Research inventoried properties as may be necessary.
- 6.8 Attend training as required to effectively perform their role as a committee member (expenses to be covered through the MOSHHC budget).
- 6.9 Be familiar with municipal, provincial and federal legislation that applies to architectural preservation.
- 6.10 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.

7.0 Role of Municipal Staff:

The Municipality of South Huron Heritage Committee, by its nature and purpose, affects and is affected by many different Municipal departments. Assistance will be provided on an as required basis from Clerks Services and the Planning and Building Services Departments. Municipal staff, including the Clerk or designate and County Planner, Planning Assistant, or their designates, will be responsible for carrying out the following functions with respect to the Committee:

- 7.1 Maintaining MOSHHC meetings, agendas and minutes, including regular distribution of agendas and minutes.
- 7.2 Acting as an information resource.
- 7.3 Orientation of MOSHHC members at the first meeting after Council appointment.
- 7.4 Assist the MOSHHC in its reporting to Council (see Section 8.0).
- 7.5 Assist the Chair in carrying out the committee meetings in accordance with the Municipality's Procedure By-Law.
- 7.6 Ensure that Departments, are aware of designated properties, the implications of designation and of the role of the MOSHHC.
- 7.7 Present the MOSHHC proposed budget to Council for approval.
- 7.8 Monitor the MOSHHC budget and approve expenses.
- 7.9 The Clerk will maintain a list of designated properties situated in the Municipality that is of cultural heritage value or interest, in accordance with Sec 27 of the Act.
- 7.10 Provide applications for demolition permits to the MOSHHC for review in advance of a demolition permit being issued.
- 7.11 Provide correspondence related to heritage matters to the MOSHHC.

8.0 Reports to Council:

The MOSHHC is the resource base of information and knowledge for Council, administration and the community for all heritage matters. The MOSHHC may advise and make recommendations to Council in accordance with its role. Reports may be submitted as follows:

- 8.1 Verbally by a Council representative.
- 8.2 Verbally by the Chair or the designated representative from the MOSHHC.
- 8.3 Minutes from the MOHHC meetings.
- 8.4 An annual report will also be submitted to Council at the beginning of each New Year outlining the MOSHHC's accomplishments in the previous twelve months and details of the committee budget expenditures (See Section 10.0)

9.0 Council's Obligations to the MOSHHC:

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

- 9.1 When updating the list of properties on the register;
- 9.2 Before giving notice of its intention to designate a property;
- 9.3 Before amending a by-law affecting a property under the Act;
- 9.4 Before repealing a by-law or part thereof designating a property;
- 9.5 Before considering an application for designated property to repeal the by-law or part thereof designating the property;
- 9.6 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;
- 9.7 Before delegating power to an employee or official of the Municipality to consent to minor alterations of individually designated property;
- 9.8 On an application to demolish or remove any building or structure on a designated property; and,
- 9.9 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 MOSHHC.

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

10.0 Establishing a Municipal Heritage Committee Budget

Municipal Council is responsible for providing the MOSHHC with a budget. The MOSHHC shall submit an operating budget once a year, as part of the annual report to Council outlining its activities and expenditures.

The operating budget shall include the following essential budget items:

- Publication costs (e.g. for pamphlets promoting designation, inventories etc)
- Advertising costs
- Program costs (e.g. for plaques or markers)
- Mileage for transportation needs (e.g. for inventories, assessing properties and traveling to conferences)
- Training and seminar
- Miscellaneous expenses