

Date: 14 June 2011



City Council Committee Report

To: Mayor Canfield & Members of Council

Fr: Tara Rickaby and Lori Nelson

Re: Heritage Kenora Terms of Reference and Reporting Relationship

Recommendation:

That the Heritage Kenora Terms of Reference is hereby adopted; and
That Heritage Kenora liaison with Council will be through the Property and Planning Committee for reporting and budgeting purposes; and further

That Council hereby gives three readings to a by-law for this purpose.

Background:

In accordance with its terms of reference, Heritage Kenora has given a comprehensive review of the document. The original document was developed in the early stages of the Committee and required a review in order that it more accurately reflects the work of the Committee. The bulk of the change is to the areas (1 and 2) which describe the work of the Committee both statutory (in accordance with the *Ontario Heritage Act*) and as a resource to the community and to Council.

The other change is to the number of community members that the Heritage Committee can appoint. Currently 4 community members are permitted, however Heritage Kenora would prefer to open up 2 more seats and provide an opportunity to 4-6 community members to have membership on the committee. It is felt that this will provide a more subjective committee and ensure quorum for voting purposes.

This year, for budgeting purposes, a budget was presented through Community Services. Historically, Heritage Kenora matters have been brought to Council through Property and Planning. In most municipalities in Ontario, the link is through the Planning/Development etc. department to Council as heritage matters are often planning and development matters. The staff support for this committee includes both the Planning staff and Museum Director. In past years, expenditures for Heritage Kenora were made through the Economic Development budget.

Budget: N/A

Communication: Per Notice By-law 144-2007 – Agenda of Property and Planning, Council and City portal

THE CORPORATION OF THE CITY OF KENORA

BY-LAW NUMBER

A BY-LAW TO ESTABLISH TERMS OF REFERENCE FOR THE CITY OF KENORA HERITAGE COMMITTEE

WHEREAS Section 28 (1) of the Ontario Heritage Act, as amended, authorizes a council of a municipality to establish one Municipal Heritage Committee that is made up of five or more people; and

WHEREAS the Council of the Corporation of the City of Kenora deems it necessary and expedient to establish such a Committee; and

WHEREAS the primary focus of the Committee will be in an advisory capacity to council on heritage issues as defined by the statutory requirement of the Ontario Heritage Act, as well as other assigned duties as defined by Council through this Terms of Reference;

NOW THEREFORE the Council of the Corporation of the City of Kenora hereby enacts the following with respect to the Terms of Reference:-

1.0 Statutory Role of Committee

City Council consults with the Committee during the designation/repeal-of-designation process for individual properties, or districts, and on applications to demolish/remove structures from, or otherwise alter designated properties. Council must also consult the Committee prior to entering into any easements or covenants pertaining to designated properties.

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

Designation: The Committee shall advise Council prior to the designation of a property (s.29)(2), *Ontario Heritage Act*).

Repeal of Designation: The Committee shall advise Council prior to the repeal of a by-law or part thereof designating property (s.31(2)*Ontario Heritage Act*).

Amendment of Designation: The Committee shall advise Council prior to the amendment of a by-law or part thereof designating a property.

Alteration of Designated Property: The Committee shall advise Council on applications to alter a designated property where such proposed alteration may affect the reasons for designation as set out in the by-law designating the property (s.33(1) *Ontario Heritage Act*).

Demolition: The Committee shall advise Council on applications to demolish or remove any building or structure on designated property (s.34(1) *Ontario Heritage Act*).

Easements/Covenants: The Committee shall advise Council before passing by-laws entering into easements or covenants with the owners of real property, or

interests therein, for the conservation of building of historical or architectural value or interest (s.37 (1) *Ontario Heritage Act*).

Districts: The Committee shall advise Council before passing a by-law to define one or more areas to be examined for designation as a heritage conservation district (s. 40(2)*Ontario Heritage Act*).

2.0 Non-statutory Role

Resource Base: In order to effectively serve both Council and the community, the Committee will develop a resource base of heritage properties. This process will involve:

- Conducting a survey of the heritage resources within the City
- Researching properties for both architectural and associative (people or events) significance
- Developing an evaluation process in order to distinguish properties of heritage significance
- Using this evaluation process to develop a ranking of properties of historical significance

Education and promotion: The Committee will work to educate individual property owners and the community as a whole on the heritage resources within the City, and the importance and methods of proper conservation/preservation. This will include development of community recognition for architectural preservation through sponsorship of plaquing initiatives, awards for restorations and best practices for renovations etc.

Development of the Official Plan: The Committee's input will be sought and considered in the development of land use plans and covenants.

Advise/inform Council with regard to City-owned heritage properties: The Committee's input will be sought when considering proposed renovations/alterations of municipally-owned heritage properties. This input will be in the form of a report or recommendation by the Committee on:

- Determining if proposed alterations affect the reason for designation, and if they do then;
- Make recommendations on the appropriate course of action.

Advise/inform Council with regard to Provincially-owned heritage properties: The Committee 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 within the City of Kenora.

Advise/inform Council with regard to National Historic Sites: The Committee will advise and inform Council on the heritage properties proposed for designation by the Historic Sites and Monuments Board of Canada.

Advise/inform Council of new heritage legislation and funding initiatives:

The Committee will advise Council on new heritage legislation and funding initiatives.

Budget: The Committee will meet annually with Council to determine the goals and objectives for the upcoming year. The Committee will then develop an annual budget for submission to Council to support these well-defined goals and objectives. An annual report will also be submitted to Council at the beginning of each year, outlining the Committee's accomplishments in the previous twelve months, and demonstrating alignment with the City's Strategic Plan, Official Plan and Municipal Cultural Plan. Ultimate budget approval rests with Council.

3.0 MEMBERSHIP AND RESPONSIBILITIES

3.1 Heritage Kenora shall consist of a maximum of 10 members appointed by Council and shall include a minimum of:

Voting members:

- One (1) member of Council
- One representative from Harbourtown Centre
- 4- 6 Members-at-large

Resource (non-voting) members:

- Ex-officio rep. from Federal Government
- Ex-officio rep. from Provincial Government
- Museum Director
- Planning department staff
- Parks Supervisor
- Facilities Co-ordinator/Building Inspector

Other City of Kenora staff may be requested as required to provide support for the Committee.

3.2 Members shall be appointed at the pleasure of Council for a term concurrent with the term of Council. Upon expiry of a Member's term of appointment, the member may be re-appointed for an additional term by Council.

3.3 Members will be selected on the basis of municipal policy.

3.4 A Chair and Vice-Chair will be elected by majority vote of the among the members at large at the first meeting of each calendar year. The Chair will be expected to be available to meet with the City Property and Planning Committee and Harbourtown Centre Committee as required.

3.5 In the absence of the Chair, the Vice-Chair will assume the responsibilities and privileges of the Chair.

In the absence of both the Chair and the Vice-Chair, the quorum will appoint, from among its members, a Chair for the particular meeting, who shall be subject to all the normal responsibilities and privileges assigned thereto.

- 3.6** All members will be expected to devote some time between meetings to work on matters before Heritage Kenora.
- 3.7** Members who are unable to attend a meeting must notify the Chair of Heritage Kenora and their name will appear under “Regrets” in the minutes.
- 3.8** By majority vote, Heritage Kenora may recommend to Council, replacement of any member who misses three consecutive full meetings, subject to circumstances surrounding the absence. Members requesting a temporary leave of absence or intending to resign should provide adequate written notification to the Chair, prior to such action.
- 3.9** Members who have served for one term and wish to resign, or in the case of Councillors who are not re-elected, become Honourary Members. Honourary Members are welcome to attend the meetings and request agendas and minutes, but do not have voting privileges.

4.0 MEETINGS

- 4.1** Heritage Kenora shall meet on a regularly scheduled date, to be determined by the committee. All meetings of Kenora Heritage are open to the public.
- 4.2** Quorum for a full meeting of Heritage Kenora will be four (4) members of the Committee.
- 4.3** All meetings of Heritage Kenora will be chaired by the Chair, or in the absence of the Chair, the Vice-Chair, or in the absence of both, a member appointed in accordance with section 3.5.
- 4.4** All recommendations to Council by Heritage Kenora will be determined by a majority vote of the members present at the meeting.
- 4.5** Heritage Kenora may establish sub-committees for various matters, issues or proposals, as required. Such sub-committees may include non-committee members, with the approval of Heritage Kenora, provided that the sub-committee is chaired by a member of Heritage Kenora. Subcommittees shall report to Heritage Kenora through the sub-committee Chair.

5.0 DECLARATION OF PECUNIARY INTEREST

5.1 Members of the Committee shall be governed by the applicable legislation pertaining to conflict of interest as it applies to Municipal governments in the Province of Ontario.

6.0 REPORTING

6.1 Heritage Kenora is a Municipal Heritage Committee, established by City Council, and will report directly to Council, or through the Property and Planning Committee, on an annual basis, and more frequently

6.2 Heritage Kenora will liaise with Council through the Property and Planning Committee.

7.0 FINANCING

7.1 Members of Heritage Kenora will receive no remuneration for their involvement in Heritage Kenora's activities.

7.2 Financial support for Heritage Kenora will be reviewed annually, through the Property and Planning Committee, as part of the City's regular budget preparation process. Additional, special project funding requests may also be submitted by Heritage Kenora for consideration by Council.

8.0 STAFF LIAISON AND SUPPORT SERVICES

7.1 Administrative support will be provided by the City's Community Services and Planning Departments.

8.0 EFFECT

8.1 THAT this by-law shall take effect and come into force upon third and final reading thereof.

9.0 REPEAL

9.1 THAT By-law No. 143-2007 is hereby repealed.

BY-LAW READ A FIRST AND SECOND TIME THIS 20th day of June, 2011

BY-LAW READ A THIRD AND FINAL TIME THIS 20th day of June, 2011

THE CORPORATION OF THE CITY OF KENORA:

per: _____ D.S. Canfield, MAYOR

per: _____ J. L. McMillin, CLERK