

THE CORPORATION OF THE CITY OF SARNIA
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PLANNING AND BUILDING DEPARTMENT

OPEN SESSION REPORT

TO: Members of Sarnia City Council

FROM: Alan Shaw, Director of Planning and Building

DATE: December 12, 2016

SUBJECT: Sarnia Heritage Committee By-Law and Terms of Reference

Recommendation:

It is recommended:

That Sarnia City Council receive the Draft Municipal Heritage Committee By-law for information with consideration of adoption at the February 6, 2017 regular meeting of Council.

Background:

The former City of Sarnia first established a Council committee to assist with heritage matters in 1983. Following amalgamation with the Town of Clearwater, by-law 14 of 1991 was approved by City Council which established a Local Architectural Conservation Advisory Committee (LACAC) for the amalgamated City and also set out how members are to be appointed, the duration of their terms, and the mandate of the committee.

Comments:

Since the by-law was approved in 1991, a number of legislative, regulatory and local municipal administrative changes have occurred. Most importantly, Bill 60 in 2005 amended the *Ontario Heritage Act* by broadening municipal authority over cultural heritage matters, revising the LACAC terminology to Municipal Heritage Committee, and increasing the required advisory role that the committee plays when Council considers applications under the Act. While the committee has since changed its name to the Sarnia Heritage Committee and is exercising its advisory authority under the Act, these changes have not been formally made by by-law.

At the local level, since 1991 the City has made administrative changes to the committee appointment process and the rules governing the proceedings

of committees. While the current LACAC By-law requires staggered three year terms for appointments, in practice the City has been appointing members for two-year terms. In addition, City Council has adopted a Code of Conduct that should be formally extended to members of the Committee.

It is proposed to repeal the current by-law and enact a new by-law and terms of reference as shown in Attachment 1 that would reflect current *Ontario Heritage Act* terminologies and the legislative and regulatory responsibilities of a municipal heritage committee under the Act. In addition, it would reflect current City committee appointment durations and reference applicable policies and procedures including the Code of Conduct.

Consultation:

The attached by-law and terms of reference were developed in consultation with the membership of the Sarnia Heritage Committee. The Committee reviewed and provided comments on the proposed by-law and terms of reference at its October 6, 2016 meeting.

The City Clerk, City Solicitor and City Manager were consulted in the preparation of this report. The report and draft by-law will be posted on the City website for comment. It is anticipated that a final report and by-law will be brought forward for Council consideration at the early February meeting.

Financial Implications:

None.

Reviewed by:



Alan Shaw
Director of Planning and Building

Approved by:



Margaret Misek-Evans
City Manager

This report was prepared by Kevin Edwards MCIP RPP, Planning Manager.

Attachment: Proposed By-law and Terms of Reference
By-law 14 of 1991

ATTACHMENT 1

BY-LAW NUMBER XX OF 2016 OF THE CITY OF SARNIA

“A By-Law to Establish a Municipal Heritage Committee and provide for the Appointment of Members thereto”

(Re: Heritage Committee By-Law)

WHEREAS Section 28 of the Ontario Heritage Act, R.S.O. 1990, c. O.18 (hereinafter called the “Act”) provides that the Council of a municipality may, by By-Law, establish a municipal heritage committee to advise and assist the Council on all matters relating to Parts IV and V of the Act and such other matters as the Council may specify;

AND WHEREAS The Council of the Corporation of the City of Sarnia deems it advisable to establish such a Committee and provide for the appointment of members thereto.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF SARNIA ENACTS AS FOLLOWS:

1. A municipal heritage committee to be known as the Sarnia Heritage Committee is hereby established.
2. That the Sarnia Heritage Committee is established to advise and assist Council on all matters within the jurisdiction of the Council of the Corporation of the City of Sarnia under the Act, as amended from time to time.
3. The Sarnia Heritage Committee shall consist of a minimum of nine members to be appointed by Council for a term not

exceeding two years. A minimum of one committee member shall be a member of Sarnia City Council.

4. Members of the Committee shall hold office until their successors are appointed, and are eligible for re-appointment and, when a member ceases to be a member before the expiration of their term, Council may appoint another eligible person for the unexpired portion of the term.
5. The Committee shall, at its first meeting of each year, elect a Chair, and a Vice-Chair, from its membership who shall not be a member of Sarnia City Council.
6. A Secretary, who shall be a staff member of the Planning Division of the Planning and Building Department, shall keep on file minutes and records of all matters considered by the Sarnia Heritage Committee.
7. The Committee shall meet as often as it deems necessary, but at least once each four months.
8. The Committee shall follow any applicable legislation and regulations under the Act and abide by the Code of Conduct adopted by Council.
9. That the Terms of Reference of the Sarnia Heritage Committee are set out in Schedule "A" attached hereto and forming part of this By-Law.
10. The short title of this By-Law will be the "Heritage Committee By-Law".
11. This By-Law repeals By-Law Number 14 of 1991 of the City of Sarnia.

By-Law Read a First, Second and Third time this (insert the Council meeting day) **day of** (insert the Council meeting month) **2016**

Mike Bradley
Mayor

Dianne Gould-Brown
Acting City Clerk

SCHEDULE "A"

SARNIA HERITAGE COMMITTEE TERMS OF REFERENCE

1.0 Mission Statement

The mission of the Sarnia Heritage Committee is to advise and assist Council to ensure that appropriate cultural heritage conservation practices are followed throughout the City of Sarnia, in accordance with the *Ontario Heritage Act*, the *Ontario Planning Act* and the Official Plan and associated by-laws for the long-term benefit of the City. This mission shall be accomplished through the provision of advice and recommendations on cultural heritage conservation to Council, municipal staff and the community.

2.0 Mandate

The Sarnia Heritage Committee shall advise and assist Council on all matters under the *Ontario Heritage Act* in which Council is required to consult with the Committee. Under Part IV and Part V of the Act, matters include to:

- designate individual property (s.29)
- amend a designation by-law (s.30.1)
- consent or refuse alterations of designated property (s.33)
- issue or refuse permits to demolish a designated property (s.34, s.42)
- repeal designation by-laws (s.31, s.32)
- undertake a study designating a heritage conservation district (s.40)
- adopt a heritage conservation district plan (s.41.1)
- purchase or lease individually designated property (s.36(1))
- expropriate designated property (s.36(2))
- provide grants and loans to designated property owners (s.39)
- list or remove property of cultural heritage value from the municipal register (s.27)
- enter into easements and covenants with property owners (s.37(1))

The Committee shall also advise and assist Council, staff and the general public on other matters of cultural heritage conservation, including:

- identifying cultural heritage properties and maintaining the City's Register of Cultural Heritage Resources
- establishing criteria for the evaluation of properties of cultural heritage value or interest
- involving the community and developing partnerships that promote the City's cultural heritage conservation interests
- educating and promoting the cultural heritage resources of the City

- producing descriptive guides, exhibits and other educational material about notable buildings, streetscapes, landscapes and districts to raise community and visitor interest in cultural heritage
- legislation that includes cultural heritage provisions
- funding initiatives and the Heritage Property Tax Relief Program
- municipal, provincial and federal cultural heritage properties, and National Historic Sites
- fundraising for the conservation of City-owned cultural heritage resources
- Official Plan policies pertaining to cultural heritage

3.0 Administration Process

At the first meeting of the year, the Committee shall:

- a) Elect a Chair, and a Vice-Chair, from appointed members who are not members of Sarnia City Council.
- b) Establish dates and times for regular meetings throughout the year.
- c) Review the Terms of Reference
- d) Generate an annual plan of activities.

Meetings shall be conducted with an agenda that is approved by the members. Minutes of meetings shall be recorded and shall be amended as necessary and adopted at the following meeting. Meeting minutes shall be provided to City Council.

Meetings will generally be open to the public. There may be situations where sensitive issues are discussed, and in such instances the advice of the City Solicitor may be sought before the matter is discussed.

3.1 City Staff Support

A staff person of the Planning Division of the Planning and Building Department will act as Secretary for the Committee.

3.2 Quorum

A meeting quorum shall be fifty one percent of the Committee members. For a nine member committee, quorum shall be five members.

3.3 Decision Making

The rules of parliamentary procedure as contained in Robert's Rules of Order 11th Edition shall be followed for governing the proceedings of the Committee. All motions properly put before the Committee shall be voted upon. All members will have one vote and a simple majority carries the motion. A tie vote is lost. As a full member the Chair is entitled to vote on any motion.

3.4 Conflict of Interest

Members having a pecuniary or non-pecuniary interest in any issue under consideration by the Committee shall declare the conflict of interest to the Chair at the beginning of the meeting or at the earliest time known and shall not discuss or vote on the issue or influence the vote of any other member. The member may be requested to leave the meeting during the discussion and/or vote on the issue.

3.5 Member Responsibilities

Committee members shall demonstrate a strong commitment to the conservation of cultural heritage resources in the City and are required to abide by the City of Sarnia Code of Conduct.

Members will be expected to attend every meeting. If a member is absent for three consecutive meetings without sending regrets to either the Chairman or the staff person assigned to the Sarnia Heritage Committee, the committee can recommend to Council that the member be removed from the committee. When a member ceases to be a member before the expiration of their term, Council may appoint another eligible person for the unexpired portion of the term.

4.0 Media Inquiries

All media inquiries, formal and informal, shall be directed to the Chair and the staff person assigned to the Sarnia Heritage Committee.

5.0 Amendment of Terms of Reference

A recommendation to amend the Terms of Reference can be made by a motion endorsed by at least two thirds of the membership of the Committee; however such changes must be approved by Sarnia City Council.

Job Descriptions

Chair

The Chair conducts committee meetings, establishes agendas, calls meetings to order, monitors committee budget and is the committee spokesperson to the media and City Council. The Vice-Chair assumes the responsibilities of the Chair in his/her absence.

Secretary

The Secretary performs all administrative duties related to the referral of applications to the Committee under the Ontario Heritage Act, acts as a resource for the Committee during meetings, maintains a record of all designated and listed properties within the City, and keeps on file minutes and records of all matters considered by the Sarnia Heritage Committee.

COMMITTEE FORMED BY B/L 85'S
JUNE 27/1983

BY-LAW NUMBER 14 OF 1991
OF THE CITY OF SARNIA-CLEARWATER

"A By-Law to establish a Local Architectural Conservation Advisory Committee and set out its mandate"

WHEREAS Section 28 of the Ontario Heritage Act, R.S.O., 1980, c. 337 (the "Act") provides that the Council of a municipality may, by By-Law, establish a local advisory committee to be known as the Local Architectural Conservation Advisory Committee (LACAC) to advise and assist the Council on all matters relating to Parts IV and V of the Act;

AND WHEREAS the Council of The Corporation of the City of Sarnia-Clearwater deems it advisable to establish such a Committee and provide for the appointment of members thereto.

NOW THEREFORE the Council of The Corporation of the City of Sarnia-Clearwater enacts as follows:

1. A local advisory committee to be known as the Local Architectural Conservation Advisory Committee is hereby established.
2. The Local Advisory Committee shall consist of a minimum of nine members to be appointed by Council for a term not exceeding three years in the following manner:
 - (a) Three members whose terms will expire December 31, 1991,
 - (b) Three members whose terms will expire December 31, 1992, and
 - (c) Three members whose terms will expire December 31, 1993;and so on, for staggered three year terms, to maintain continuity.

3. Any other members appointed over and above the minimum shall have terms which expire no later than three years from the date of their appointment.
4. Council may, by By-Law, replace members as terms of membership expire, or appoint from time to time such new members as it deems desirable.
5. The local advisory committee shall, at its first meeting of each year, elect a Chairman from its membership.
6. The terms of reference of the local advisory committee shall be as follows:
 - (a) To establish criteria for the evaluation of properties of architectural and/or historical value or interest;
 - (b) To prepare and maintain a list of properties and areas worthy of conservation;
 - (c) To advise Council on means of conserving heritage properties and areas;
 - (d) To advise Council on current heritage conservation legislation and to assist Council in the preparation of municipal legislation to conserve heritage properties and areas;
 - (e) To implement programmes and activities to increase public awareness and knowledge of heritage conservation issues;
 - (f) To advise and assist Council on all matters relating to Parts IV and V of the Act; provided that no property shall be recommended for designation under Section 29 of the Act without the consent of the owner;

- (g) To advise and assist Council on any other matters relating to buildings and areas of architectural and/or historical significance;
- (h) To advise Council on the administration of properties acquired by the municipality under Section 36 of the Act;
- (i) To prepare an annual report of the previous year's activities and expenditures;
- (j) The local advisory committee shall meet as often as it deems necessary, but at least once each four months.

7. The short title of this By-Law is the "LACAC By-Law".

8. This By-Law repeals By-Law Number 8613, as amended, of the City of Sarnia.

9. This By-Law comes into force and effect when finally passed.

FINALLY PASSED this 8TH day of JANUARY, 1991.



Mayor



Clerk