



City of Cambridge
Municipal Heritage Advisory Committee
Terms of Reference 2016

1. Overview

In Ontario, the task of conserving historically, architecturally, and/or contextually significant properties is primarily a municipal responsibility. The Ontario Heritage Act (OHA) provides a framework within which municipalities can act to ensure the conservation of these properties.

Under Section 28 of the Act, a council of a municipality is authorized to establish, through by-law, one Municipal Heritage Advisory Committee that is made up of five or more members to advise Council on matters relating to the OHA and the City's Official Plan.

Under the OHA, Council's statutory role is to:

- a) add or remove individual properties to the City's Heritage Properties Register;
- b) designate individual property by by-law;
- c) designate heritage conservation districts by by-law
- d) amend a designation by-law;
- e) repeal a designation by-law;
- f) issue or refuse building permits to alter a designated property;
- g) issue or refuse building permits to demolish a designated or listed property;
- h) purchase or lease individually designated property;
- i) expropriate designated property;
- j) enter into easements and covenants with designated property owners; and
- k) initiate a prosecution for failure to comply with a designation by-law and the OHA.

2. Role

While it is the legislative mandate of Cambridge City Council (Council) to make the final decision on all matters that affect the City, the role of the Municipal Heritage Advisory Committee (MHAC) is to advise and assist Council on heritage matters relating to Part IV and Part V of the OHA including development applications involving cultural heritage

resources and other related heritage matters as Council may specify. The MHAC shall conduct themselves in keeping with the policies set by Council in Procedural By-law 18-15 and any updates thereto. These Terms of Reference will be reviewed from time to time and any updates must be approved by Council.

3. Mandate

The MHAC shall serve the City on heritage related matters pursuant to Section 28 of the Ontario Heritage Act. As part of their decision making process, Council will consult with the MHAC on heritage planning matters in accordance with Part IV and Part V of the OHA.

The MHAC reports to Council, through the Development and Infrastructure Department. The purpose of the MHAC is to advise Council on the conservation of cultural heritage resources in the community and to guide the City of Cambridge in the conservation of its cultural heritage through planning, education, and stewardship.

Cultural heritage resource as defined by the Cambridge Official Plan means physical remains which include, but are not limited to: buildings (residential, commercial, institutional, industrial and agricultural); cultural heritage landscapes (designed, organic/evolved); structures (water tower, bridge, fence and dam); monuments (cenotaph, statue, cairn); archaeological resources; cemeteries; scenic roads; vistas/views; culturally significant natural features (tree and landforms); movable objects (archival records and artifacts); and cultural traditions (language, stories, music, dance, food, celebrations, arts and crafts).

4. Responsibilities and Activities:

The responsibilities and activities of the MHAC include:

I. Statutory Under the OHA

- a) advise Council within its capacity as the City's heritage advisory committee;
- b) recommend and comment on the protection, such as designation under Parts IV and V the Ontario Heritage Act, of cultural heritage resources within the City of Cambridge;
- c) advise Council on all applications to demolish cultural heritage resources which are either listed or designated on the City's Heritage Properties Register;

- d) assist in maintaining the City's Heritage Properties Register through advising Council prior to the listing of a property that has not been designated on the Heritage Properties Register;
- e) advise Council prior to removing a property that has not been designated from the City's Heritage Properties Register;
- f) advise Council prior to the repeal of a by-law, or part thereof, designating a property;
- g) advise Council prior to the amendment of a by-law, or part thereof, designating a property;
- h) advise Council prior to the passing of by-laws providing for the entering into of easements or covenants with the owners of real property, or interests therein, for the conservation of buildings of historical or architectural value or interest; and
- i) advise Council to initiate a prosecution for failure to comply with a designation by-law and the OHA.

II. Statutory Under the Official Plan

- a) recommend and to comment on appropriate policies for the conservation of cultural heritage resources within the City of Cambridge including Official Plan policies;
- b) recommend and comment on various planning and development applications and/or proposals which may impact a cultural heritage resource; and
- c) review and advise Council on the findings of Heritage Impact Assessments as per the Official Plan.

III. Non-Statutory

- a) recommend and to comment on the City's acquisition and management of cultural heritage resources;
- b) administer and review applications to the Heritage Grant Fund on behalf of the Deputy City Manager of the Development and Infrastructure Department and Council;
- c) review and to comment on the preparation, development, and implementation of any plans as may be identified or undertaken by the City of Cambridge or its departments where and when cultural heritage matters may be applicable;
- d) review and comment on the recommendations in the City's Heritage Master Plan as it relates to cultural heritage matters as may be applicable;

- e) advise Council and comment on policies, initiatives, programs, and funding that may impact the community's cultural heritage resources;
- f) provide a forum for citizen input and participation on cultural heritage matters in the City of Cambridge;
- g) serve as a coordinating and review body for cultural heritage initiatives in the City of Cambridge by facilitating the development of partnerships and networks among all stakeholders;
- h) work in cooperation with other municipal departments, the Region, Provincial and Federal agencies, the media, stakeholder groups and any organizations or individuals interested in the conservation of the community's cultural heritage resources;
- i) advise Council as to new heritage legislation initiatives;
- j) work with Council to educate individual property owners and the community at large about the heritage resources within the community and on the important methods of proper conservation of cultural heritage resources; and
- k) development of community recognition for heritage conservation through the sponsorship of property designation plaques.

5. Reporting Structure and Work Plan

The MHAC is to serve as an advisory body to Council. The MHAC does not have any delegated authority. MHAC recommendations which require Council action will be placed on the Council Agenda for consideration. The MHAC does not have the authority to direct staff. Recommendations requiring implementation, expenditures, reports or staff actions will be reviewed by staff and considered by Council as necessary before action by staff is taken. The Committee shall submit an annual report to Council outlining the accomplishments of the Committee for the previous year and establishing a work plan for the future year, in accordance with the mandate established through this Terms of Reference.

6. Committee Composition and Qualifications

As per section 28. (2) of the Ontario Heritage Act, the Committee shall not contain fewer than five members. The Cambridge MHAC shall be comprised of between seven and ten members. The Committee shall also consist of one member of Council who shall also have full voting rights. Members of MHAC must be a person eligible to be elected as a member of Council, in accordance with the Municipal Elections Act. All members are appointed by Council Resolution. The Mayor is an ex-officio member of the

Committee and will participate at meetings at his/her discretion. Where possible, appointments to the MHAC may include a representative of the following:

- Licensed Ontario Architect to provide technical knowledge
- Licensed Ontario Landscape Architect to provide technical knowledge
- Accredited Planner with current MCIP, RPP and/or CAHP membership to provide technical knowledge
- Licensed professional engineer to provide technical knowledge
- A resident of the Blair Village Heritage Conservation District
- A resident of the Dickson Hill Heritage Conservation District
- A property and/or business owner of the Main Street Heritage Conservation District

Each voting member of the MHAC is an independent representative to the Committee and does not represent the concerns of only one sector or sphere of interest within the community. The members of the MHAC shall work together to fulfill the mandate of this advisory committee.

Members will be chosen for their special expertise, experience, dedication, and commitment to the Committee's mandate.

7. Committee Administration

The Planning Division of the Development and Infrastructure Department will provide a minimum of two staff resource liaisons to MHAC. The Planner – Heritage will provide technical support to the Committee in relation to the Ontario Heritage Act, the Cambridge Official Plan and Heritage Master Plan. A Recording Secretary will provide technical support with agenda preparation, minute taking at the MHAC meetings and will provide organizational and procedural support to the Committee. Other staff and delegates may be invited to provide technical support at times when required. Staff resource liaisons, and other staff as may be required, do not have voting privileges.

8. Chair and Vice-Chair

Of the voting members, a Chairperson and Vice-Chair shall be elected by majority vote at the beginning of each year. The Chairperson is responsible for conducting the meeting in accordance with the City's Procedural By-law and will facilitate the discussion at each meeting pursuant to the meeting agenda and the Committee's mandate. If both the Chair and Vice-Chair are not present, members are to select an acting Chairperson to serve in the same capacity for the duration of that meeting.

9. Terms of Appointment

Appointments to the MHAC shall be for a three year period. The appointments do not run concurrently with the duration of Council and are staggered in nature. Terms run from January 1st to December 31st in the three year term.

Solicitation for members and appointment of the members to the Committee shall be advertised in the same manner to all other Council appointed advisory committees in the City of Cambridge, in accordance with the City's Committees By-law 19 - 15.

10. Conduct

The MHAC members' conduct shall be in keeping with the Procedural By-law 18 - 15 as it pertains to Council and its subcommittees. This also includes declaring a pecuniary or conflict of interest where necessary upon items before the MHAC for consideration. The Procedural By-law 18 – 15, or its successor, will be followed for all matters not specifically addressed within this document.

Additionally, the MHAC is committed to following the Corporate Values and Behaviours as outlined in the City's Strategic Planning Framework. Those values are Respect, Integrity, Service and Inclusiveness. Combined together, these values have formed a working mission statement for all employees and committee members of the City: "Working Together, Committed to our Values, Serving our Community". This mission statement addresses public comments related to a "forward looking" and inspirational statement. Used in conjunction with the vision outlined by the City's Official Plan, the goal is to balance the future aspirations of the community with the features that people value in the present such as cultural heritage and architecture. The MHAC is dedicated to working with Council to find this balance between the future needs of the City and conserving its cultural heritage

11. Sub-committees and Working Groups

The MHAC may form sub-committees and working groups as may be necessary to complete specific tasks related to the Committee's mandate and work plan. These subcommittees and working groups must be comprised of Committee members.

Meetings of sub-committees and/or working groups may meet at any time and at any location and are in addition to the regular meetings of the Committee.

12. Meetings

Meetings shall be held once monthly at a date and time set by the MHAC and will be determined at the beginning of each calendar year. Length of meetings will vary depending on the agenda. The MHAC may choose not to hold meetings during the summer months or if there are insufficient agenda items requiring consideration with regard to timelines mandated under the Ontario Heritage Act.

Committee meetings are open to the public and are subject to the provisions of Section 239 of the Municipal Act, 2001. Members of the public who are in attendance shall not interfere with the conduct of the MHAC.

Meetings shall not conflict with regular meetings of Council, General Committee or the Planning and Development Committee.

If a Committee member misses three consecutive meetings without dispensation, that member will be removed from the Committee and the vacancy will be filled per the Committees By-law 19 - 15.

The Chair may call additional meetings to discuss urgent matters but must give sufficient notice to members and to the public.

13. Quorum and Voting Procedures

The calculation of quorum to conduct business is a majority of members in good standing as shown by the examples below:

- If: 7 full voting members – quorum is 4
- 8 full voting members – quorum is 5
- 9 full voting members – quorum is 5
- 10 full voting members – quorum is 6

If quorum is not present at a scheduled MHAC meeting 15 minutes after the scheduled commencement time, the Chair will declare the meeting adjourned until the next regularly scheduled MHAC meeting and the Recording Secretary will record the names of the Committee members present.

In the event of a tie vote, the motion will not carry. If there is an uneven number of Committee members present and the vote is split, the Chair will vote last and will be considered the tie breaker in accordance with the Procedural By-law 18 - 15.

14. Minutes and Agenda

The Minutes of each meeting will be prepared for adoption at the following meeting. When adopted, the signed minutes will be provided to the Planning and Development Committee and Council for information.

The monthly agenda will be prepared by the Planner - Heritage in consultation with the Committee Chair and/or Vice-Chair.

Meeting schedules, agendas and minutes will be made available to the public upon request after prior circulation to all MHAC members, or as available on the City's website.

15. Remuneration

Members of the MHAC serve without remuneration. Compensation for any expenses related to carrying out their duties as Committee members must be pre-approved by senior management of the Development and Infrastructure Department and is contingent upon funds available in the Committee's operating budget.

16. Budget

Council provides an annual budget to the Committee on an annual basis. It is the responsibility of MHAC members to submit any resulting invoices to the City for approval by the Deputy City Manager of the Development and Infrastructure Department and to keep track of any expenses generated by the activities of the Committee.

This budget shall provide for items such as the following:

- Heritage Designation Plaques;
- Brochures and other educational materials;
- Heritage workshops and events;
- Educational/volunteer development (eg. subscriptions, conferences) and similar;
and
- Other initiatives as directed by Council.

This MHAC Terms of Reference was adopted by Cambridge Council on February 16, 2016.