

# Terms of Reference

## 1. Name

Municipal Heritage Advisory Committee (MHAC)

## 2. Definitions

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. Purpose

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.

## 3. Mandate

The MHAC shall serve the City on heritage related matters pursuant to 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 Community Development 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 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 Opportunities**

The responsibilities and activities of the MHAC include:

##### **I. Statutory Under the Ontario Heritage Act**

- 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 Designated Heritage Property Grant Fund on behalf of the Deputy City Manager of the Community Development 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.

### **IV 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.

## **5. Composition**

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.

The members of the MHAC shall serve in a volunteer capacity, with no remuneration.

## **6. Support**

The Planning Services Division of the Community Development Department will provide a minimum of two staff resource liaisons to MHAC. The Senior 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.

## **7. Term of Office**

Unless otherwise legislated, membership on the MHAC will expire December 31 of a municipal election year. A member who has been appointed to fill a vacancy partway through the Advisory Committee term will be appointed for the balance of the existing term.

### **a) Appointment**

Striking Committee will consider Advisory Committee applications quarterly for citizen members.

### **b) Duration of Appointment**

Members are eligible to serve for a maximum of eight (8) consecutive years (two terms) on the MHAC.

## **8. Meetings**

All meetings will be open to the public, except those which meet criteria under Section 239 of the Municipal Act, 2001, and only members of the MHAC may attend the closed session of the committee.

## **9. Agendas**

Agendas will be assembled and distributed by the Recording Secretary in consultation with the Staff Liaison and/or Committee Chair. Agenda packages will be distributed electronically or in an alternate format upon request no less than one (1) week prior to the meeting and will be sent to all members of the MHAC.

Agendas will be posted on the City's website.

## **10. Minutes**

The Minutes of each meeting will be prepared by the Recording Secretary for adoption at the following MHAC meeting. When adopted, the signed minutes will be provided to the Planning and Development Committee and Council for information. Approved minutes will be posted on the City's website.

## **11. Delegations**

Delegations are welcome to attend meetings of the MHAC for issues that fall within the guidelines of these Terms of Reference. Delegations may address the Committee for five (5) minutes and the Committee may grant an additional five (5) minutes. Delegations will be approved by the Chair or Staff Liaison.

## **12. Meeting Procedures**

### **a) Quorum**

Quorum will be a simple majority of the MHAC members (50% + 1). The calculation of quorum is 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 achieved at the scheduled meeting fifteen (15) minutes after the scheduled commencement time, the meeting will stand adjourned until the next regular scheduled meeting. If quorum is lost during a meeting, the Chair will call for a recess for a period of fifteen (15) minutes, or until a quorum is present. If there is still no quorum achieved after fifteen (15) minutes, the meeting will stand adjourned.

If quorum is not achieved or is lost, any business requiring a vote will be deferred to the next scheduled meeting.

Any meeting which has not achieved quorum will still publish a set of minutes, which simply reflects Members' attendance and absence.

### **b) Voting**

As the MHAC make legislative recommendations to Council, a majority vote must be held for each recommendation. All members who are present have the right to vote in favour or opposition of the motion, or abstain from voting.

The Council Representative will have voting privileges on the MHAC.

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 18-133.

**c) Conflict of Interest**

Members are expected to follow the Municipal Conflict of Interest Act and to undertake their responsibilities on an impartial and objective basis. Members will not participate in any decision or recommendation in which they or their immediate family has any financial interest.

**13. Code of Conduct**

The MHAC members' conduct shall be in keeping with the Procedural By-law 18-133 for advisory committees 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 18-133, 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. Members are expected to follow the Code of Conduct for Local Boards and Advisory Committees. Persons in violation of the Code of Conduct may be asked to refrain from the active participation with the Committee at the discretion of the City of Cambridge.

Each member will receive a copy of the Code of Conduct. Members will be asked to sign an acknowledgement stating that they have received, read and accepted the Code of Conduct in its entirety and that they agree to be bound by its terms.

**14. Review**

The MHAC shall conduct themselves in keeping with the policies set by Council in the Procedural By-law for Advisory Committees 18-133 and any updates thereto. These Terms of Reference will be reviewed from time to time and any updates must be approved by Council.

**a) Updates**

Last Updated: 31/01/2019