

THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 05-041 (AS AMENDED BY 06-190)

A BY-LAW TO ESTABLISH AN ARTS, CULTURE AND HERITAGE ADVISORY COMMITTEE

WHEREAS Council has approved the creation of the Museum & Archives Advisory Committee to advise Council and the Culture & Heritage Division in respect of the management and regulation of the Peterborough Centennial Museum & Archives;

AND WHEREAS Council has agreed to change the name of the existing Culture & Heritage Division to the Arts, Culture & Heritage Division;

AND WHEREAS it is desirable that an Advisory Committee be appointed to advise and support the Arts, Culture & Heritage Division;

NOW THEREFORE THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL THEREOF ENACTS AS FOLLOWS:

- 1.** An advisory committee, to be called the Arts, Culture & Heritage Advisory Committee (hereinafter called the “Advisory Committee”) is hereby established to advise and support the Arts, Culture & Heritage Division (hereinafter referred as the “Division”); and to advise and to formulate and recommend policies to the Council for the Corporation of the City of Peterborough (hereinafter referred to as “Council”) on arts, cultural and heritage matters.

2. ROLES AND RESPONSIBILITIES

2.1 The Advisory Committee shall:

- (a) advise and support the role and responsibilities of the City of Peterborough’s Arts, Culture & Heritage Division;
- (b) inform and advise Council on arts, culture and heritage matters;
- (c) encourage and support communication, cooperation and coordination among arts, culture and heritage organizations;
- (d) guide the development, implementation and evaluation of plans (strategic/long-term and annual work plans), policies, (governance, framework: Mission/Statement of Purpose, Values and Beliefs Statements and operational policies) and programmes for arts, cultural and heritage development in Peterborough;
- (e) assist in the development, allocation, and maintenance of a comprehensive and equitable grants programme for the arts, culture, and heritage sector;
- (f) encourage, recognize, and reward initiative and excellence in artistic and heritage pursuits;
- (g) encourage and promote community awareness, appreciation, and support of arts, cultural and heritage activities;
- (h) serve as an advocate to Council and other levels of government on matters affecting the arts, culture and heritage sector;

- (i) assist in the development, selection, acquisition, installation and maintenance of a public art programme;
- (j) require its members to exercise Duty of Loyalty and Duty of Care by identifying and/or avoiding potential conflicts of pecuniary interest in compliance with the Municipal Act; by taking responsible action in good faith and in the best interests of the Museum and Archives; and otherwise acting in an ethical manner;
- (k) undertake other projects and activities of a similar nature as directed by Council or as opportunities arise.

2.2 The Division shall:

- (a) support the roles and activities of the Advisory Committee;
- (b) serve as a resource for City Council and municipal departments and divisions on all arts, cultural and heritage matters;
- (c) plan, coordinate, direct, monitor and evaluate the development of arts, cultural and heritage plans, policies, facilities, services and programmes;
- (d) coordinate the identification, designation, and conservation of community heritage and cultural resources including living heritage, movable property, and real property;
- (e) provide advisory and technical support to arts and heritage organizations;
- (f) encourage, support and coordinate community arts, cultural and heritage celebrations and festivals.

3. ADVISORY COMMITTEE MEMBERSHIP:

3.1 The Advisory Committee shall be composed of nineteen (19) members representative of the community served, duly appointed by Council.

3.2 The Advisory Committee shall include:

- (a) two (2) Members of Council;
- (b) four (4) Community Members at Large;
- (c) three (3) Arts, Culture and/or Heritage professionals (e.g. visual or performing artists, authors, historians, curators etc.) as recruited and nominated by the out-going Advisory Committee;
- (d) one (1) representative of each of the following ten organizations:
 - (i) Art Gallery of Peterborough
 - (ii) Canadian Canoe Museum
 - (iii) Festival of Lights
 - (iv) Market Hall Performing Arts Inc.
 - (v) Peterborough Architectural Conservation Advisory Committee
 - (vi) Peterborough Arts Umbrella
 - (vii) Peterborough Centennial Museum & Archives
 - (viii) Peterborough Historical Society
 - (ix) Peterborough Public Library Board
 - (x) Showplace Peterborough

3.3 In selecting its appointments to the Advisory Committee, Council should consider:

- (a) the candidate's potential to contribute to the on-going development and support of the local arts, culture and heritage sector;
- (b) Advisory Committee member responsibilities, duties, and skill sets as outlined in the Committee Member job descriptions;
- (c) the specific needs of special projects and operational priorities as identified by the out-going Advisory Committee;
- (d) maintaining a balance of sex and age on the Advisory Committee;
- (e) the cultural diversity of the community.

4. TERM OF OFFICE:

- 4.1 Where a member of Council is appointed to the Advisory Committee, such appointment shall be for the term of the Council member.
- 4.2 The appointed members of the Advisory Committee shall hold office for **four** years, concurrent with the term of Council, **but such three year term shall exclude appointed members of Council**, starting from the first day in December in the year they are appointed, but every member shall continue in office until his or her successor is appointed.
- 4.3 Any appointed member of the Advisory Committee whose term of office has expired shall be eligible for reappointment.
- 4.4 The Advisory Committee shall declare a Member's seat vacant and shall provide notice thereof to Council through the City Clerk, if a Committee member,
 - (a) is convicted of an indictable offence;
 - (b) becomes incapacitated;
 - (c) is absent from the meetings of the Advisory Committee for three (3) consecutive meetings, without leave of absence from the Advisory Committee or without reasons satisfactory to the Advisory Committee.
- 4.5 Council shall, as often as the office of a member of the Advisory Committee becomes vacant, appoint a successor hereto, who shall hold the office for the unexpired portion of the term of the former member .

5. REMUNERATION:

- 5.1 Members of the Advisory Committee shall serve without remuneration.
- 5.2 Members may be reimbursed for direct and appropriate expenses incurred in the fulfillment of their Advisory Committee responsibilities.

6. OFFICERS:

- 6.1 At its first meeting in a new term, the Advisory Committee shall elect from their number a Chair who shall hold office at the pleasure of the Advisory Committee for a one year term and is eligible for re-election.
- 6.2 The Chair shall:
 - (a) Plan, direct and evaluate all Advisory Committee meetings;
 - (b) Act as the Advisory Committee's spokesperson for matters relating to policy, governance and advocacy;
 - (c) Serve as signing officer for Advisory Committee minutes, official document and grant applications as required;
 - (d) Sit as "Ex Officio" member on "ad Hoc" and standing Committees as required;
 - (e) Maintain regular liaison with the Division Manager;
 - (f) Fulfill other duties and responsibilities as outlined in the job description.
- 6.3 The Advisory Committee shall also elect from their number a Vice-Chair who shall have all the powers and duties of the Chair when the Chair is absent or unable to act, and who shall hold office for a one year term and is eligible for re-election.
- 6.4 The Division shall provide a paid staff person as secretary to the Committee, who shall:
 - (a) conduct the Advisory Committee's official correspondence;
 - (b) keep minutes of every meeting of the Advisory Committee;
 - (c) provide access to any records, books, accounts or documents in their possession or control for inspection by any person during business hours unless the information requested is of an intimate financial or personal nature, or identifies an individual user of Division services by name or makes him or her readily identifiable by other means.

7. ADVISORY COMMITTEE MEETINGS

- 7.1 The Advisory Committee will hold regular meetings, at such time and place as determined by the Committee, at least once monthly from January to June and September to November, and at such other times as it considers necessary.
- 7.2 The Chair and any two members may summon a special meeting of the Advisory Committee giving reasonable notice in writing to each member, specifying the purpose for which the meeting is called.
- 7.3 The presence of a majority of the Advisory Committee (ten) constitutes a quorum. Where a quorum is not present, the Advisory Committee may by motion elect to move into Executive Committee and conduct the meeting without ratification of motions. At the next regular meeting, an omnibus motion shall be passed approving all decisions made by the members present.

- 7.4 The official meetings of the Advisory Committee shall be open to the public. A meeting or part of a meeting may be closed to the public if the subject matter being considered is,
- (a) the security of the property of the municipality or local board;
 - (b) personal matters about an identifiable individual including municipal or local board employees;
 - (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
 - (d) labour relations or employee negotiations;
 - (e) litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board;
 - (f) advice that is subject to solicitor-client privilege including communications necessary for that purpose;
 - (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act.
- 7.5 The Chair may exclude any person from the meeting for improper conduct.
- 7.6 All directions and decisions of the Advisory Committee shall be the result of motions duly made, seconded, voted upon by the Committee in accordance with Robert's Rules.
- 7.7 The Chair or Acting Chair shall vote upon all questions. Any question on which there is an equality of votes shall be deemed to have been decided in the negative.
- 7.8 A member may exercise his or her right to abstain from a vote. Such an abstention will not be considered a vote either for or against the motion.
- 7.9 The Agenda for meetings shall be prepared by the Division Manager in consultation with the Chair and should be distributed no less than five days before the meeting.
- 7.10 Advisory Committee Members wishing to raise an item of business at the Advisory Committee meeting shall notify the Chair or Division Manager prior to the meeting in order for that item to appear on the agenda.

8. COMMITTEES:

- 8.1 The Advisory Committee may establish at its discretion Standing and Ad Hoc Committees on any matters considered by the Board to require particular study.
- 8.2 The Advisory Committee shall appoint at least one Member to each committee.
- 8.3 The Chair of any such Committee shall be a Member of the Advisory Committee.

9. MANAGEMENT OF DIVISION:

- 9.1 The day-to-day operation and management of the Division shall be the responsibility of the Director of Community Services or designate.
- 9.2 The Director's or designate's working relationships shall be as follows:
- (a) The Director or designate shall consult with the Advisory Committee Chair on matters relating to the Advisory Committee or its activities.
- (c) The Director or designate shall be responsible for the implementation of policy as determined by resolution of the Advisory Committee and shall bring matters of policy regularly to the Advisory Committee for its consideration, with such decisions to be conveyed where appropriate as recommendations to Council.
- (d) Decisions of the Advisory Committee shall be communicated to the Director or designate only by resolution of the Advisory Committee duly recorded in the minutes.

10. AMENDMENTS

- 10.1 The Advisory Committee shall review this by-law annually, and may propose amendments for the consideration of Council.
11. By-law Number 98-46 "A By-Law to Amend By-Law Number 95-10 to Appoint The Culture And Heritage Board" is hereby repealed.
12. By-Law Number 95-10 "A By-Law To Appoint The Culture And Heritage Board" is hereby repealed.

By-law read a first and second time this 21st day of March, 2005

By-law read a third time and finally passed this 21st day of March, 2005

(Sgd.) Sylvia Sutherland, Mayor

(Sgd.) Nancy Wright-Laking, City Clerk