THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 11-019

BEING A BY-LAW TO REPEAL BY-LAW 06-191 AND BY-LAW 05-042 AND REPLACE WITH A BY-LAW TO ESTABLISH A MUSEUM AND ARCHIVES ADVISORY COMMITTEE

WHEREAS the City of Peterborough owns and operates the Peterborough Museum & Archives;

AND WHEREAS it is desirable and in the public interest that an Advisory Committee be appointed to advise Council in respect of the management and regulation of the Museum & Archives;

AND WHEREAS several approved changes and amendments to the Museum's name and Advisory Committee structure should be reflected in a single governance by-law;

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

1. ESTABLISHMENT OF COMMITTEE

An advisory committee, to be called the Museum & Archives Advisory Committee (hereinafter called the "Advisory Committee"), is hereby established to advise Council and the Arts, Culture & Heritage Division (hereinafter called the "Division") in respect of the management and regulation of the Peterborough Museum & Archives.

2. PURPOSE OF THE ADVISORY COMMITTEE

2.1 The Advisory Committee shall advise and support the role and responsibilities of the Arts, Culture & Heritage Division as it relates to the Peterborough Museum & Archives (hereinafter referred to as the "Museum & Archives").

2.2 The role and responsibilities of the Division are as follows:

(a) manage and operate the Museum & Archives as the municipality's corporate archives and community museum;

(b) develop a comprehensive and efficient museum and archival service that reflects the community's unique needs;

(c) encourage and support the Museum & Archives to meet or exceed recognized professional standards and ethical behaviour in all operational areas, including: administration, research and dissemination of information, collection acquisition, development and management, conservation/ preservation, exhibition, education and programmes, and visitor services;

(d) ensure that the Museum & Archives has adequate financial resources by directing the preparation, submission, monitoring and evaluation of annual operating, capital and special project budgets; and by directing and/or supporting revenue-generating efforts on the Museum & Archives' behalf.

2.3 The Advisory Committee shall:

(a) advise City Council, Senior Municipal Administration, the Division and the Arts, Culture & Heritage Advisory Committee by identifying and responding to issues, concerns and government policies that may affect the Museum & Archives;

(b) Assist with the governance of the Museum & Archives by establishing and monitoring governance, framework (Mission/ Statement of Purpose, Values and Belief Statements), and operational policies; and by directing the development an implementation of strategic long-term plans.

(c) assist with the selection of a Museum Director, as the senior staff person to generally supervise and direct the operations of the Museum & Archives;

(d) liaise with the community including individuals, groups, and organizations to get input and encourage support for the Museum & Archives;

(e) promote the activities and programmes of the Museum & Archives;

(f) and otherwise support the activities of the City's Arts, Culture & Heritage Division.

2.4 The Advisory Committee shall encourage the Museum & Archives to provide programmes and services that are affordable, accessible, and inclusive.

2.5 The Advisory Committee shall ensure that the Museum & Archives' activities promote the advancement of education or other purposes of a charitable nature beneficial to the community as a whole.

2.6 The Advisory Committee shall 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 & Archives; and otherwise acting in an ethical manner.

3. ARTS, CULTURE & HERITAGE ADVISORY COMMITTEE

3.1 A member of the Advisory Committee shall be appointed to represent the Museum & Archives on the Arts, Culture & Heritage Advisory Committee.

3.2 The Museum & Archives will remain an integral component of the City's Arts, Culture & Heritage Division; and serve as a resource to the Division, especially on heritage matters.

4. MEMBERSHIP

4.1 The Museum & Archives Advisory Committee shall be composed of nine (9) members representative of the community served, duly appointed by the Council for the Corporation of the City of Peterborough (hereinafter referred to as "Council") including:

(a) one (1) Member of Council;

(b) five (5) Members at Large; and

(c) one (1) representative of each of the following organizations: the Peterborough Historical Society, Trent University and Sir Sandford Fleming College.

4.2 In selecting its appointments to the Advisory Committee, Council shall consider:

(a) the candidate's potential to contribute to the on-going development and support of the Museum & Archives and of local heritage in general;

(b) Advisory Committee member responsibilities, duties, and skill sets as outlined in the 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.

5. TERM OF OFFICE

5.1 Where a member of Council is appointed to the Advisory Committee, such appointment shall be for the term of the Council member.

5.2 The appointed members of the Advisory Committee shall hold office for four years, concurrent with the term of Council, but such four year term shall exclude 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.

5.3 Any appointed member of the Advisory Committee whose term of office has expired shall be eligible for reappointment.

5.4 The Advisory Committee shall declare a Member's seat vacant and shall provide notice thereof to Council through the City Clerk, if an Advisory Committee member,

(a) is convicted of an indictable offence;

(b) becomes incapacitated;

(c) is absent from Advisory Committee meetings for three (3) consecutive meetings, without leave of absence from the Advisory Committee or without reasons satisfactory to the Advisory Committee.

5.5 Council shall, as often as the office of a member of the Advisory Committee becomes vacant, appoint a successor thereto, who shall hold the office for the unexpired portion of the term of the former member.

6. REMUNERATION

6.1 Members of the Advisory Committee shall serve without remuneration.

6.2 Members may be reimbursed for direct and appropriate expenses incurred in the fulfillment of their Advisory Committee responsibilities.

7. OFFICERS

7.1 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 committee for a one year term and is eligible for re-election.

7.2 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 Museum Director;

(f) Fulfill other duties and responsibilities as outlined in the job description.

7.3 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.

7.4 The Clerk’s Office shall provide a staff person as recording secretary to the Committee.

8. ADVISORY COMMITTEE MEETINGS

8.1 The Advisory Committee shall hold regular meetings, at such time and place as determined by the Advisory Committee, at least six times per year, and at such other times as it considers necessary.

8.2 The Chair and any two members may summon a special meeting of the Advisory Committee giving reasonable notice to each member, specifying the purpose for which the meeting is called.

8.3 The presence of a majority of the Advisory Committee (five) 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.

8.4 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.

8.5 The Chair may exclude any person from the meeting for improper conduct.

8.6 All directions and decisions of the Advisory Committee shall be the result of motions duly made, seconded, and voted upon by the Advisory Committee in accordance with Robert's Rules.

8.7 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.

8.8 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.

8.9 The Agenda for meetings shall be prepared by the Museum Director in consultation with the Advisory Committee Chair and should be distributed no less than five days before the meeting.

8.10 Advisory Committee members wishing to raise an item of business at the Advisory Committee meeting shall notify the Chair or Museum Director prior to the meeting in order for that item to appear on the agenda.

9. COMMITTEES

9.1 The Advisory Committee may establish at its discretion Standing and Ad Hoc Committees on any matters considered by the Advisory Committee to require particular study.

9.2 The Advisory Committee shall appoint at least one Member to each committee.

9.3 The Chair of any such Committee shall be a Member of the Advisory Committee.

10. MUSEUM DIRECTOR

10.1 There shall be a Museum Director (hereinafter referred to as the "Director") who will be responsible for the day-to-day operation and management of the Museum & Archives.

10.2 The Director's working relationships shall be as follows:

(a) The Director shall report to the Manager of Arts, Culture and Heritage.

(b) The Director shall consult with the Advisory Committee Chair on matters relating to the Advisory Committee or its activities.

(c) The Director 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.

(d) The Director shall be authorized to issue tax receipts on behalf of the Corporation of the City of Peterborough for donations of artifacts, specimens, documents and other archival records, and cash.

(e) Decisions of the Advisory Committee shall be communicated to the Director only by resolution of the Advisory Committee duly recorded in the minutes.

11. DISSOLUTION

11.1 If the Corporation of the City of Peterborough decides to divest itself of ownership of the Museum & Archives Collections, it shall distribute or dispose of said collections to one or more local charitable organizations, such as the Peterborough Historical Society.

12. AMENDMENTS

12.1 The Advisory Committee shall review this by-law annually, and may propose amendments for the consideration of Council.

13. REPEAL

13.1 This by-law shall come into force on the date that it is approved by the Council of the Corporation of the City of Peterborough and upon this by-law coming into force, By-law 06-191 and By-law 05-042 are hereby repealed.

By-law read a first, second and third time this 22nd day of February, 2011.

(Sgd.) Daryl Bennett, Mayor

(Sgd.) Nancy Wright-Laking, City Clerk