

## THE CORPORATION OF THE CITY OF PETERBOROUGH

### BY-LAW NUMBER 13-XXX

#### A BY-LAW TO ESTABLISH A MUNICIPAL HERITAGE COMMITTEE

**WHEREAS** Section 28(1) of the Ontario Heritage Act (the “Act”), provides that the Council of a Municipality may, by by-law, establish a municipal heritage committee, of not less than five members, to advise Council in respect of the Ontario Heritage Act, Parts IV and V and such other matters as the council may specify by by-law;

**AND WHEREAS** Council has determined that it is desirable and in the public interest to establish a municipal heritage committee to advise Council on matters pertaining to the Act;

**AND WHEREAS** pursuant to the Act, Council created the Peterborough Architectural Conservation Advisory Committee (“PACAC”) as the City’s municipal heritage committee;

**AND WHEREAS** the City of Peterborough has a Heritage Preservation Office mandated to manage and coordinate certain activities which encourage and enhance the protection of the City’s heritage;

**AND WHEREAS** the Peterborough Historical Society (PHS) has enjoyed a cooperative and productive relationship with PACAC since 1975;

**AND WHEREAS** it is desirable that a representative of the PHS sit as a voting member of PACAC and act as a liaison between the two organizations;

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

#### 1. DEFINITIONS

**Act (the)** – means the *Ontario Heritage Act*, R.S.O. 1990, c. 18, and any successor legislation thereto;

**Council** – means the duly elected municipal council for the Corporation of the City of Peterborough;

**Heritage Preservation Office** – The branch of the Arts, Culture and Heritage Division mandated to encourage and enhance the protection of the City’s heritage and archaeological resources;

**PACAC** – means the Peterborough Architectural Conservation Advisory Committee, being a municipal heritage committee under the Act;

**Peterborough Historical Society** – means a not-for-profit organization dedicated to preserving and promoting the rich heritage of Peterborough and the surrounding area through public education programs on local history and advocacy for heritage preservation in the community.

## **2. MUNICIPAL HERITAGE COMMITTEE**

- 2.1 In accordance with Section 29(2) of the Act, Council shall, if it intends to designate a property to be of cultural heritage value or interest, give notice of its intention to designate a property under Section 29(1), consult with PACAC.

## **3. ROLES AND RESPONSIBILITIES**

### **3.1 PACAC shall:**

- a. Advise Council on heritage matters, pursuant to the Act;
- b. Formulate and recommend policies to Council concerning heritage conservation;
- c. Advise and support the City's Heritage Preservation Office on heritage matters;
- d. Establish criteria concerning the evaluation of properties of cultural heritage value or interest;
- e. Review and approve certain proposed changes to properties designated under the Act;
- f. Guide the development, implementation and evaluation of plans, policies, and programs concerning heritage matters in Peterborough;
- g. Encourage, recognize and reward excellence in heritage conservation;
- h. Strive to increase awareness in Peterborough about heritage conservation;
- i. Act as an advocate on heritage conservation matters; and
- j. Undertake other projects and/or activities, pursuant to the Act, as Council may direct.

## **4. PACAC MEMBERSHIP**

- 4.1 PACAC shall be composed of ten (10) members appointed by the Council for the Corporation of the City of Peterborough as follows:
- a. One (1) Member of Council; and
  - b. Eight (8) Members at Large;
  - c. One (1) member of the Board of Directors of the Peterborough Historical Society, who shall be ineligible to serve as PACAC's Chair or Vice-Chair.

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

- a. The candidate's potential to contribute to the conservation of local heritage;
  - b. The PACAC job description;
  - c. Any recommendation made by PACAC;
- 4.2 Council shall use its best efforts to make an equal number of appointments in each year of its term. Nevertheless, upon being advised by PACAC that a vacancy exists, Council shall appoint a new PACAC member who shall hold office for the un-expired remainder of the former member's term.
- 4.3 Any PACAC member shall be eligible for re-appointment upon the expiry of the member's term. After serving two consecutive terms, no PACAC member shall be eligible for re-appointment until 365 days has passed from the end of the member's second term.
- 4.4 PACAC shall declare a member's seat vacant and shall provide notice thereof to Council through the City Clerk, if a member,
- a. is convicted of an indictable offence;
  - b. becomes incapacitated;
  - c. is absent from the meetings of the PACAC for three (3) consecutive meetings, without leave of absence from PACAC or without reasons satisfactory to PACAC.

## **5. Remuneration**

- 5.1 PACAC members shall serve without remuneration, however they may, upon the presentation of appropriate receipts, be reimbursed for expenses incurred in the fulfillment of their duties.

## **6. Officers**

- 6.1 PACAC shall, at its first meeting following the election of a new Council, elect from their members one person for each of the following offices in the following order:
- a. Vice Chair; and
  - b. Chair.
- 6.2 The officers shall hold office for one (1) year renewable terms.
- 6.3 The Chair shall:
- a. Preside over PACAC meetings;
  - b. Be PACAC's spokesperson;
  - c. Represent PACAC at official functions;
  - d. Be a signing officer for PACAC concerning:
    - i. PACAC minutes;

- ii. PACAC correspondence and documents;
    - iii. Grant applications; and
    - iv. Financial transactions.
  - e. Maintain regular contact with the Heritage Preservation Office;
  - f. Sit as a non-voting member on any standing PACAC sub-committee; and
  - g. Perform such other duties as contained in the PACAC job description or as assigned from time to time by a majority of PACAC;
- 6.4 The Vice-Chair shall:
- a. As required, be a signing officer for PACAC concerning
    - i. PACAC minutes;
    - ii. PACAC correspondence and documents;
    - iii. Grant applications; and
    - iv. Financial transactions.and;
  - b. In the absence of the Chair, have all the powers and duties of the Chair.

## **7. Meetings**

- 7.1 PACAC shall hold regular meetings, at such time and place as it determines. PACAC meetings shall be held, at least monthly during January to June and during September to November, and at such other times as it considers necessary.
- 7.2 The Chair and any two members may call a special meeting of PACAC, by giving reasonable written notice to each PACAC member and the Heritage Preservation Office, such notice shall:
- a. Be given at least five (5) days in advance of the meeting;
  - b. State the purpose(s) for calling the meeting; and
  - c. State the time, date and location of the meeting.
- 7.3 The presence of any six (6) members of PACAC shall, provided one of the six (6) members is the Chair or Vice Chair, constitute quorum. In the event quorum is not achieved for, or maintained during, a PACAC meeting, PACAC may conduct business subject to having motions made in the absence of quorum ratified by a majority of PACAC at the next PACAC meeting.
- 7.4 All PACAC meetings, including special meetings, shall be open to the public. A portion of a PACAC meeting may be closed to the

public, if, in the opinion of the Chair and subject to the requirements of the Municipal Act, 2001, 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 other provincial legislation; or
- h. Otherwise satisfies the criteria for closed meetings contained in the Municipal Act, 2001, as amended.

7.5 The Chair may exclude any person from a meeting for improper conduct.

7.6 PACAC shall conduct its meetings in accordance with the City's Procedural By-law.

7.7 The Heritage Preservation Office shall, in consultation with the Chair, prepare the agenda for each PACAC meeting. The Clerk's Office shall be responsible for distributing the agenda to each PACAC member no less than five (5) days before the meeting.

7.8 PACAC members shall use their best efforts to advise the Chair of any new agenda item not less than ten (10) days prior to a meeting.

7.9 The Heritage Preservation Office, or designate, shall attend all PACAC meetings in an advisory capacity and shall:

- a. Report to the Director of Community Services, or designate, following each PACAC meeting;
- b. Consult with PACAC on heritage property matters and on matters of heritage policy;
- c. Act as the liaison between PACAC and the Director of Community Services, or designate.

## **8. Meetings**

8.1 PACAC may, from time to time, establish sub-committees, of not fewer than three (3) people, with such terms of reference as PACAC considers desirable.

8.2 PACAC shall appoint at least one of its members to each sub-committee.

- 8.3 Each sub-committee shall be presided over and chaired by a PACAC member.
- 8.4 PACAC shall use its discretion when appointing persons to any sub-committee.

9. Annual Review

- 9.1 PACAC shall review this by-law annually and may, following such review, propose amendments to the Director of Community Services who shall prepare a report for Council for its consideration.

10. By-law Repealed

- 10.1 By-law **06-193**, being “A By-law to Establish a Local Architectural Conservation Advisory Committee” is hereby repealed.

By-law read a first, second and third time this \_\_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_  
(Sgd.) Daryl Bennett, Mayor

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(Sgd.) John Kennedy, City Clerk