



City of
Peterborough

TO: Members of the Arts, Culture & Heritage Advisory Committee

FROM: Becky Rogers, Manager of Arts, Culture & Heritage

MEETING DATE: January 12, 2012

SUBJECT: Report ACHAC12-001
Amendments to the Arts Culture & Heritage Advisory
Committee By-law

PURPOSE

A report seeking endorsement of the proposed amendments to the Arts, Culture & Heritage Advisory Committee By-law and approval of a strategy to support the creation of a Community Cultural Council.

RECOMMENDATIONS

That the Arts, Culture & Heritage Advisory Committee (ACHAC) approve the recommendations outlined in Report ACHAC12-001 dated January 12, 2012 of the Manager of Arts, Culture & Heritage as follows:

- a) That the proposed changes to the Arts Culture and Heritage By-law be endorsed;
- b) That an Ad Hoc Committee be established to develop a timetable and process for the establishment of the Culture Council;
- c) That the proposed process for the formation of the "Culture Council" be approved as a general guide.

BUDGET AND FINANCIAL IMPLICATIONS

There are no budgetary or financial implications at this time as a result of approving the recommendations in report ACHAC12-001.

BACKGROUND

Reconstituted Arts Culture & Heritage Advisory Committee

The Arts, Culture and Heritage Advisory Committee (ACHAC) was established in 2004 to provide advice to the City on municipal matters related to arts, culture, and heritage matters. In September 2009, the City began its Municipal Cultural Planning (MCP), process to develop a vision for Peterborough, highlighting economic prosperity, social progress, and quality of life. The scope of work for the project included a review of the roles and responsibilities of the Arts, Culture and Heritage Advisory Committee.

The consultants engaged by the City to develop the Plan have conducted a thorough review of the role of the Committee (ACHAC) and are recommending changes to the Committee in order to help define the governance structure for implementing the Municipal Cultural Plan.

To facilitate this:

- The Committee's mandate should include responsibility for monitoring the implementation of the MCP.
- Composition of the Committee should be amended to consist of seven to nine members and should include: two members of Council, a member of the proposed Culture Council (see below), representatives of the cultural industries, and members of the public.
- City facilities that make up the Division and organizations with existing service grants would no longer have formal representation on ACHAC. These groups would use alternate reporting structures already in place.
- The Committee will meet regularly with staff to review Plan priorities and actions and to develop an annual progress report to Council. The report will focus on the key priorities, actions and initiatives of the MCP.

Proposed By-Law Revisions

At their October 2011 ACHAC meeting an ad-hoc committee, comprised of Emily Martin, John Summers, Patricia Newson, Marcus Quin, and Carmela Valles, was established to assist staff in defining the role of the Arts Culture & Heritage Advisory Committee in light of the Municipal Cultural Plan recommendations. The Ad-Hoc

Committee met twice before the end of 2011. Based on their discussions, staff has made changes to the Arts, Culture & Heritage By-Law. Committee members recommend that the proposed changes not be submitted to Council for approval and implementation until after the proposed Culture Council is formed.

Culture Council

A further recommendation from the consultants is for the City to support the establishment of a Culture Council. In 1989, an arts council was created to bring together the broader cultural community in Peterborough. This evolved into the Peterborough Arts Umbrella (PAU) - a community-based arts advocacy body. Initially it maintained a strong focus on the traditional arts, but over time, with the aid of community grants from the Ontario Arts Council, began to focus on the professionalization of cultural workers. The PAU folded in 2009 and since its closure no other organization has emerged to fulfill the role of an arts and culture council.

Peterborough's MCP has given the community an opportunity to work with the cultural sector to explore the creation of a new Culture Council. It would be an arm's-length agency, coordinating, communicating, and advocating for Peterborough's arts and culture organizations, and focusing on the professionalization of cultural occupations.

City staff has proposed that the City could provide staff support and funding for community consultation/facilitation to create and incorporate the proposed Culture Council through the division's capital budget to implement the Municipal Cultural Plan. Staff would also recommend that Council provide an on-going service grant to sustain the Council.

The following chart compares the proposed governance structure, composition, and role of the reconstituted Arts Culture & Heritage Advisory Committee and the proposed Culture Council.

	ACHAC	Culture Council
Governance	Municipally appointed Advisory Committee	Incorporated, Not-for-profit, Registered Charity (?)
Board Size & composition	9 members including: 2 members of Council; 6 community members, 1 representative from "Culture Council"	To be determined by cultural community through consultation/ facilitation process
Membership	As per by-law	Membership base and membership criteria to be established as above
Primary Role	Guide and monitor progress of Municipal Cultural Plan	Encourage communication, cooperation and coordination among Arts Culture & Heritage Organizations
Secondary Role	Provide advice to Council and City staff	Serve as advocate on arts culture and heritage matters

Scope	Focus on City role in supporting sector	Focus on community role in support of sector; could be broader than City
City Staff	Support the roles and activities of the committee; are not members	Either City staff or a representative of the Advisory Committee could be appointed as a board member at the discretion of the cultural community
Council representation	2 members appointed	Not recommended as this conflicts with advocacy role

Ad-Hoc Committee

ACHAC was not able to complete their review and discussion of the Plan and the proposed Committee changes in the fall of 2011. To facilitate the process, staff is seeking ACHAC input on the composition, creation and role of the Culture Council and are recommending that ACHAC establish an ad-hoc committee to further develop the timetable and process for establishing the Culture Council

It is anticipated that the process would entail the following activities:

- Staff recruit a facilitator through appropriate City process,
- Ad hoc committee, staff, and facilitator meet to determine roles, facilitation process and meeting timetable,
- Ad hoc committee and staff organize initial community meeting,
- Ad hoc committee provides context for meeting; facilitator seeks direction,
- Either ad hoc committee expands or new committee formed to develop draft constitution and by-laws for proposed Culture Council,
- Committee works with facilitator to prepare draft; staff assist as needed,
- Committee/ facilitator presents draft at second community meeting; revises as required,
- Inaugural “Culture Council” board formed to assume leadership,
- Applications for incorporation and charitable tax status submitted.

SUMMARY

The Municipal Cultural Plan will be presented to Council for approval by Dialog, the City's planning consultant in February, 2012. Staff is seeking Arts, Culture & Heritage Advisory Committee approval for the changes being proposed for the Committee in order to begin implementing the Plan.

Submitted by,

Becky Rogers
Manager of Arts, Culture & Heritage

Contact Name:
Becky Rogers
Phone: 705-742-7777 Ext. 2380
Fax: 705-745-8958
E-mail: brogers@peterborough.ca

APPENDIX

Draft By-law to Reconstitute Arts Culture & Heritage Advisory Committee

THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER

A BY-LAW TO RECONSTITUTE THE ARTS, CULTURE AND HERITAGE ADVISORY COMMITTEE

WHEREAS Council has adopted a Municipal Cultural Plan to more fully integrate culture into all areas of municipal planning and decision making;

AND WHEREAS Council has encouraged the establishment of an independent community-based cultural council to support communication, cooperation and coordination among arts, culture and heritage organizations to advocate on their behalf;

AND WHEREAS it is desirable that the Arts Culture & Heritage Advisory Committee be reconstituted to guide the implementation of the Municipal Cultural plan and to continue to advise 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 reconstituted to guide the implementation of the Municipal Cultural Plan; to otherwise advise Council for the Corporation of the City of Peterborough (hereinafter referred to as “Council”) and City Departments on arts, cultural and heritage matters relating to broader planning and capital project initiatives; to continue to advise and support the Arts, Culture & Heritage Division (hereinafter referred as the “Division”);

2. ROLES AND RESPONSIBILITIES

2.1 The Advisory Committee shall:

- (a) guide and monitor the implementation of the Corporation’s Municipal Cultural Plan and report annually on its progress to Council;
- (b) provide input and feedback from a cultural perspective on major planning initiatives and capital construction projects;
- (c) inform and advise Council on arts, culture and heritage matters as required;
- (d) advise and support the Arts, Culture & Heritage Division as requested by

Council and/or staff;

- (e) assist in the development, selection, acquisition, installation and maintenance of a public art programme;
- (f) act as a public forum when requested by Council and/or Staff to engage and receive public input relating to the Municipal Cultural Plan and Arts, Culture, and Heritage matters;
- (g) encourage and recognize initiative and excellence in artistic and heritage pursuits through Civic Awards and other mechanisms;
- (h) undertake other projects and activities of a similar nature as directed by Council or as opportunities arise;
- (i) 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 Corporation; and otherwise acting in an ethical manner;

2.2 The Advisory Committee shall not be responsible for:

- (a) the daily operations of the Arts Culture & Heritage Division and its facilities, programmes, and services;
- (b) administrative matters including the hiring of, or providing direction to, staff;
- (c) operating and capital budgets/projects;
- (e) implementing projects and programmes, unless otherwise directed; and
- (f) any matter which has been delegated by Council under any other by-law.

2.3 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) encourage and support community arts, cultural and heritage celebrations and festivals.

3. ADVISORY COMMITTEE MEMBERSHIP:

- 3.1 The Advisory Committee shall be composed of nine (9) members representing the cultural community and the community at large, duly appointed by Council.
- 3.2 The Advisory Committee shall include:
 - (a) two (2) Members of Council;
 - (b) seven (7) Community Members (until such time as a community cultural council is formed. At that point, one of the seven positions should be filled by a formal representative of the cultural council to serve as liaison)
- 3.3 In selecting its appointments to the Advisory Committee, Council should consider the candidate's potential to contribute to the on-going development and support of the local arts, culture and heritage sector.

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 To introduce staggered terms of office, three (3) of the Community Members will initially be appointed for a two year term, with the balance of members appointed for four years.
- 4.3 The appointed members of the Advisory Committee shall hold office for four years, 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.
- 4.4 Any appointed member of the Advisory Committee whose four year term of office has expired shall be eligible for reappointment for an additional two year term.

4.5 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.

4.6 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 the new year, 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) Assist with the planning of, 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 Community Services Department Director and 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 Clerk's Office shall provide a paid staff person as secretary to the Committee, who shall:

(a) Distribute the meeting agenda and support material;

(b) Keep minutes of every meeting of the Advisory Committee;

(c) Serve as a resource relating to the application of the Corporation's Procedural By-law

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 (four) 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;
 - (h) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:
 - 1. The meeting is held for the purpose of educating or training the members.
 - 2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee
- 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 and voted upon by the Committee in accordance with the Corporation's procedural By-law
- 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 Director of the Community Services Department in consultation with the Chair and staff from other departments and divisions 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 Committee 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. ROLE OF CITY STAFF:

- 9.1 The Director of the City's Community Services Department (hereinafter called the Director) or designate shall coordinate staff, departmental and divisional interactions with the Advisory Committee, including the preparation of meeting agendas and reports.
- 9.2 The Director or designate shall attend the Advisory Committee meetings.
- 9.3 Staff representatives from Utility Services, Planning, Corporate Services, and Community Services Departments and from the Arts Culture & Heritage Division shall attend the Advisory Committee meetings as required.
- 9.4 The Director and Managers shall consult with the Advisory Committee Chair on matters relating to the Advisory Committee or its activities.
- 9.5 Prior to presenting recommendations to Council on any matter which is within the mandate of the Committee, as set out in this By-Law, the Director shall consult with the Committee.
- 9.6 Decisions of the Advisory Committee shall be communicated to the Director only by resolution of the Advisory Committee duly recorded in the minutes.

10. MANAGEMENT OF ARTS CULTURE & HERITAGE DIVISION:

- 10.1 The day-to-day operation and management of the Division shall be the responsibility of the Division Manager.
- 9.2 The Manager's working relationships shall be as follows:
 - (a) The Manager shall consult with the Advisory Committee Chair on matters relating to the Advisory Committee or its activities.

(c) The Manager 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 Manager only by resolution of the Advisory Committee duly recorded in the minutes.

11. AMENDMENTS

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

12. By-law Number 05-041 A By-Law to Establish an Arts Culture & Heritage Advisory Committee as Amended by 06-190 is hereby repealed.

By-law read a first and second time this day of

By-law read a third time and finally passed this day of

(Sgd.) Daryl Bennett, Mayor

(Sgd.) Nancy Wright-Laking, City Clerk