



City of  
**Peterborough**

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

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

**MEETING DATE:** September 13, 2012

**SUBJECT:** Report ACHAC12-017  
Arts Culture & Heritage Advisory Committee By-law

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## **PURPOSE**

A report seeking approval of a By-Law to Establish a reconstituted Arts, Culture & Heritage Advisory Committee, and the recognition of the newly established Community Cultural Council.

## **RECOMMENDATIONS**

That the Arts, Culture & Heritage Advisory Committee (ACHAC) approve the recommendations outlined in Report ACHAC12-017 dated September 13, 2012 of the Manager of Arts, Culture & Heritage as follows:

- a) That a By-law to establish a reconstituted Arts, Culture & Heritage Advisory Committee be approved, and that By-Law 05-041 be repealed;
- b) That the newly established Culture Council be recognized by the Arts, Culture & Heritage Advisory Committee; and
- c) That ACHAC formalize the working relationship with the Culture Council through the inclusion of a representative of the Culture Council on ACHAC beginning in January 2013.

## **BUDGET AND FINANCIAL IMPLICATIONS**

There are no budgetary or financial implications resulting from the establishment of a new ACHAC by-law. Revisions to the ACHAC mandate can be accommodated within the existing budget for the Arts, Culture & Heritage Division (ACHD) administration. The proposed start-up funding for the community Culture Council can be accommodated within the 2012 approved capital budget for the Municipal Cultural Plan.

## **BACKGROUND**

In January 2012 the Arts, Culture & Heritage Advisory Committee approved the three recommendations outlined in Report ACHAC12-001 dated January 12, 2012 of the Manager of Arts, Culture & Heritage. The recommendations, that were each voted on separately were as follows:

- a) That the proposed changes to the Arts Culture and Heritage By-law be endorsed in principal.
- 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.

Since the January meeting, staff in the ACHD have drafted a by-law that will go to City Council on September 24, 2012. It clearly identifies the roles of the Committee, City Staff, the Division and the Division Manager.

### **Roles and Responsibilities under the by-law:**

2.1 The Advisory Committee shall:

- (a) monitor and guide 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) encourage and recognize initiative and excellence in artistic and heritage pursuits through Civic Awards and other mechanisms;
- (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) undertake other projects and activities of a similar nature as directed by Council or as opportunities arise;
- (h) assist in the development, selection, acquisition, installation and maintenance of a public art programme;
- (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.

### **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 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.

**Management of the Arts, Culture & Heritage Division:**

- 10.1 The day-to-day operation and management of the Division shall be the responsibility of the Division Manager.
- 10.2 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.
  - (b) 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.
  - (c) Decisions of the Advisory Committee shall be communicated to the Manager only by resolution of the Advisory Committee duly recorded in the minutes.

**SUMMARY**

With Council's adoption of the Corporate Municipal Cultural Plan in April 2012, a new Arts Culture & Heritage Advisory Committee By-Law is required in order to implement the governance recommendations in the Plan.

Submitted by,

Becky Rogers  
Manager of Arts, Culture & Heritage

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**APPENDIX A** - Draft By-law to Establish the Arts Culture & Heritage Advisory  
Committee

APPENDIX “A”

**THE CORPORATION OF THE CITY OF PETERBOROUGH**

**BY-LAW NUMBER 12-xxx**

**A BY-LAW TO ESTABLISH 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 at to advocate on their behalf;

**AND WHEREAS** it is desirable that the Arts Culture & Heritage Advisory Committee be reconstituted, and their role be revised to include responsibility for monitoring the implementation of the Municipal Cultural plan; to report to Council annually on the progress 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 monitor and 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**

2.2 The Advisory Committee shall:

- (j) monitor and guide the implementation of the Corporation's Municipal Cultural Plan and report annually on its progress to Council;
- (k) provide input and feedback from a cultural perspective on major planning initiatives and capital construction projects;

- (l) inform and advise Council on arts, culture and heritage matters as required;
- (m) advise and support the Arts, Culture & Heritage Division as requested by Council and/or staff;
- (n) encourage and recognize initiative and excellence in artistic and heritage pursuits through Civic Awards and other means;
- (o) 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;
- (p) undertake other projects and activities of a similar nature as directed by Council or as opportunities arise;
- (q) assist in the development, selection, acquisition, installation and maintenance of a public art programme;
- (r) 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 sector 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 at Large; (until such time as a community cultural council is formed. At that point, one of the seven positions will 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:
  - (a) the candidate's potential to contribute to the on-going development and support of the local arts, culture and heritage sector;
  - (b) maintaining an appropriate balance between the appointment of cultural workers (artists, musicians, authors, historians, curators etc.), cultural volunteers (board members and volunteers from cultural organizations), and members of the community at large
  - (c) Advisory Committee member responsibilities, duties and skill sets as outlined in the Committee Member terms of reference;
  - (d) the specific needs of special projects and operational priorities as identified by the out-going Advisory Committee;
  - (e) maintaining a balance of sex and age on the Advisory Committee;
  - (f) reflecting the community's growing cultural diversity.



**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 four 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) 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) Fulfil 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.

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- 7.3 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.
- 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 and Reports for meetings shall be prepared by the Director of the City's Community Services Department (hereinafter called the Director) or designate 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 two weeks 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 or designate shall coordinate staff, departmental and divisional interactions with the Advisory Committee.
- 9.2 The Director or designate shall attend the Advisory Committee meetings.
- 9.3 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.
- 10.2 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.
  - (b) 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.
  - (c) 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 REPEALED**

- 12.1 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.) John Kennedy, City Clerk