

THE CORPORATION OF THE TOWN OF SMITHS FALLS

BY-LAW NO. 10507-2023

BY-LAW TO AUTHORIZE AN AMENDMENT TO BY-LAW 10400-2022 BEING A
BY-LAW TO ADOPT THE TERMS OF REFERENCE FOR THE
SMITHS FALLS MUNICIPAL HERITAGE COMMITTEE

WHEREAS Section 8 of the Municipal Act, SO 2001, as amended provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 9 of the Municipal Act, SO 2001, as amended provides that Section 8 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

AND WHEREAS Section 28(1) of the Ontario Heritage Act 1990, as amended, permits Council to establish a municipal heritage committee to advise and assist Council on matters relating to Part IV and Part V and such other heritage matters Council may specify by Bylaw;

AND WHEREAS Section 28(2) of the Ontario Heritage Act 1990, as emended, prescribes that a municipal heritage committee shall be composed of not fewer than five members appointed by Council;

AND WHEREAS Council of the Corporation deem it appropriate to amend the Terms of Reference in effort to increase membership for the committee.

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Smiths Falls enacts as follows:

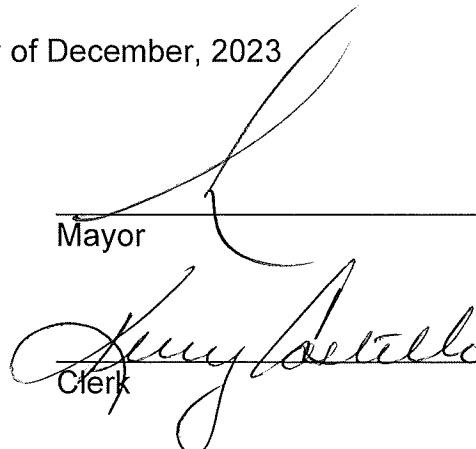
1. THAT the AMENDED Municipal Heritage Committee Terms of Reference for the Town of Smiths Falls is attached as "Schedule A" forming part of this by-law.
2. THAT all other provisions remain in force and effect.
3. THAT this by-law shall take effect on the date of its passing.

Read a first and second time this 18th day of December, 2023

Read a third time and passed this 18th day of December, 2023

Mayor

Clerk

The image shows two handwritten signatures. The top signature is for the Mayor, and the bottom signature is for the Clerk. Both signatures are written in black ink and are positioned above their respective titles. The Mayor's signature is a large, stylized cursive script. The Clerk's signature is also in cursive but appears more compact and is written over a horizontal line.

Smiths Falls Municipal Heritage Committee

Terms of Reference

Adopted via By-law 10400-2022, Effective December 12, 2022
Amended via By-law 10508-2023, Effective December 18, 2023

1. Purpose

The purpose of the Municipal Heritage Committee shall be to provide advice and recommendations to Council on matters in accordance with the *Ontario Heritage Act*, to promote heritage conservation within the municipality, and to advise on other heritage-related matters as directed by Council.

2. Mandate:

The mandate of the Smiths Falls Municipal Heritage Committee will consist of statutory and non-statutory responsibilities.

2.1 Statutory Mandate:

Pursuant to the *Ontario Heritage Act*, Council shall consult with the Municipal Heritage Committee on the following matters:

- a) Designation, amendment or repeal of a By-law under Part IV or V;
- b) Proposed alterations and/or demolition of a property designated under Part IV or V;
- c) Easements and/or covenants;
- d) Listing of properties of interest¹ on the Municipal Register;
- e) Proposed demolition of properties of interest listed on the Municipal Register; and,
- f) Heritage Conservation District studies and plans.

More specific details regarding the mandate of the Committee are outlined in Appendix "A".

2.2 Non-Statutory Mandate:

In addition to its statutory responsibilities, the Municipal Heritage Committee shall also be consulted on the following matters:

- a) Heritage legislation changes;
- b) New or amending municipal by-laws, policies or plans which may affect property of interest, property designated under Part IV or V of the Act or the application and review process for proposed alterations and/or demolition of property designated under Part IV or V of the Act;
- c) Cultural Heritage Evaluation Reports (CHER), Heritage Impact Studies (HIS), Heritage Briefs etc. required in accordance with the Town's Official Plan for the purpose of a *Planning Act* application or other purpose required by Council; and,
- d) Other matters as directed by Council.

¹ A "property of interest" is a property that has been listed on the Town's Municipal Register under Section 27 but has not been designated under Part IV or V of the Ontario Heritage Act.

Also in addition to its statutory responsibilities, the Municipal Heritage Committee may choose to perform any of the following functions:

- a) Perform community outreach functions to inform recommendations to Council for new properties of interest and heritage designations under Part IV or V of the Act;
- b) Recommend and endorse the designation or listing of private and public properties under the Act;
- c) Conduct research for new properties of interest and heritage designations under Part IV of the Act and in accordance with the Act;
- d) Recommend changes to municipal By-laws or policies which affect the Committee's mandate; and,
- e) Develop educational programming and activities for the community which may include, but is not limited to:
 - Developing guidelines and/or best practices for heritage conservation;
 - Publications promoting the benefits of heritage designation;
 - Heritage Week programs such as colouring contests, scavenger hunts, social media blasts, newsletters and lectures;
 - The annual "Heritage Symposium"²;
 - Non-statutory recognition program.

3. Membership

3.1 Appointment

Municipal Heritage Committee members will be appointed by Council, the term of which shall coincide with the term of Council. Members on the Municipal Heritage Committee will remain members until new members are appointed via resolution when a new term commences.

- a) The minimum number of members of the Municipal Heritage Committee shall be the minimum prescribed in the Ontario Heritage Act;
- b) A maximum of two (2) Council members, a minimum of three (3) and maximum of six (6) citizen members and a maximum of two (2) youth members (age 16 or 17) shall be appointed to represent the Town of Smiths Falls at large. Priority shall be given to appointing members who are current eligible voters of Smiths Falls, however Council may also appoint former residents or others who have a demonstrated interest in the Town and its heritage. A cross section of individuals shall be chosen in order to build strong advocacy, communication and organizational skills. Priority shall be given to applicants with relevant technical and professional expertise;
- c) Additional citizen members may be appointed to the Committee by Council throughout the duration of the Term of Council up to the maximum membership prescribed; and,
- d) Youth members shall be sought at the beginning of the Term of Council or when there is a vacancy for a youth member(s). Youth membership shall expire before the age of 18 is reached. Upon successful recruitment of new youth(s),

² The heritage symposium is an annual heritage event since 2008, coordinated by the volunteers appointed by the Municipal Heritage Committee, in which educational programming is geared to heritage professionals, experts and enthusiasts.

the committee is delegated authority to appoint new youth members as they deem appropriate.

3.2 Administration

- a) All members of the Committee appointed by Council shall be considered voting members.
- b) The membership will appoint one voting member as Chairperson for the term of the Committee.
- c) A majority of members shall constitute quorum. (inclusive of youth membership)

4. Staff Liaison

The Town will provide one staff member (non-voting) to the Committee to provide technical and administrative support to the Committee. The staff liaison will:

- a) Prepare agenda packages;
- b) Act as the recording secretary during meetings of the Committee;
- c) Prepare reports for Committee review and consideration;
- d) Maintain records of agenda packages, minutes and motions of the Committee;
- e) Provide orientation to the Committee at the beginning of the Term;
- f) Inform the Committee of potential training opportunities and funding initiatives;
- g) Research and advise the Committee on new heritage legislation;
- h) Research and advise on national and provincial guiding policies and best practices related to the Committee's mandate;
- i) Assist with educational programming and activities;
- j) Draft By-laws for designation under Part IV of the Ontario Heritage Act;
- k) Procure external professional advice as required;
- l) Coordinate Council presentations and reports with the Clerk and,
- m) Inventory and record heritage assets within the Community.

5. Meetings

5.1 Regular Meetings

The Committee will meet on a regular basis as determined by the Committee and to ease scheduling, meetings shall be scheduled where possible on a consistent day of the month and regular time and location. Special meetings may be held, as required, at the call of the Chair.

All meetings will have a formal agenda. Agenda packages will include the meeting agenda, minutes from the previous meeting, staff reports and applicable reference materials. Agenda packages will be sent to the Committee via email to all members in advance of the meeting. Alternative arrangements for circulation of the agenda package may be arranged with the staff liaison.

Committee members are encouraged to contribute to the preparation of agenda packages by recommending agenda items to the Chair and the staff liaison in advance of agenda circulation. A "roundtable" item will be included on each agenda to facilitate the free exchange of ideas between appointed members.

Meetings should be under two (2) hours in length, however it is acknowledged that special circumstances may arise when this time limit is exceeded.

5.2 Working Groups

The Committee may appoint working groups of the Municipal Heritage Committee to advance a particular purpose in accordance with the Committee's mandate. Working groups must consist of a minimum of three (3) appointed members from the Committee.

As a working group, formal agenda packages are not required; however, working groups are responsible for reporting their proceedings to the Committee. Any direction, motion or recommendation related to expenditures or responsibilities within the working group's mandate can only be done at the direction of the Municipal Heritage Committee.

6. Reports to Council

As a Committee of Council, the Municipal Heritage Committee is responsible for advising Council based on its mandate. The advice and recommendations solicited from the Committee as well as any other correspondence will be provided to Council via the following processes:

- a) Committee meeting minutes or motions included in or appended to staff reports;
- b) Reports to Committee of the Whole; or,
- c) Council representative reports and updates in accordance with the Procedural By-law;
- d) Through Director Updates or correspondence items to Committee of the Whole.

7. Budget

The Municipal Heritage Committee budget will be determined and approved by Council annually. Recommendations adopted by Council will be incorporated into the operational or capital budget in the appropriate area recommended by the Treasurer.

8. Committee Remuneration

Remuneration for the Municipal Heritage Committee shall be as established by Council. Meetings, conferences, workshops and other Committee business that allows for the continued education and training of members shall be reimbursed as per established Town By-laws and policies and as applicable to the Committee's mandate.

9. Code of Conduct

Council of the Corporation of the Town of Smiths Falls established a Code of Conduct for Members of Council and its local boards (By-law 9973-2018).

The Town of Smiths Falls is committed to providing and maintaining a working environment that is based on respect for the dignity and rights of everyone in the organization. It is the Town's goal to provide a healthy and safe work environment that is free from any form of harassment or violence.

All Committees of Council are also subject to the Policy Respecting the Appointment of Citizen Members for the Town of Smiths Falls Boards and Committees

10. Monitoring

At least once per term of Council the Terms of Reference for the Municipal Heritage Committee will be reviewed, with updates, if necessary adopted by by-law.

Appendix A

Overview of the Ontario Heritage Act and Municipal Heritage Committees

Vision Statement:

The Smiths Falls Municipal Heritage Committee is committed to the identification and preservation of buildings, structures, features and lands that are of cultural and/or historical value or interest and to initiating and promoting a conservation ethic and climate of responsible stewardship of the community's cultural heritage assets.

Overview:

The Ontario Heritage Act R.S.O. 1990, as amended, provides a framework for municipalities to conserve properties of significant cultural heritage value or interest. It also enables and encourages citizen participation in heritage conservation locally.

Under Section 28 of the Act, municipal councils are authorized to establish a Municipal Heritage Committee. The Ontario Heritage Act prescribes statutory consultation with Municipal Heritage Committees in municipalities where a Committee has been appointed.

Cultural heritage properties may include and/or contain:

- Buildings and structures;
- Cemeteries;
- Natural heritage;
- Cultural heritage landscapes;
- Archaeological sites, including marine archaeology; and,
- Spiritual sites.

The criteria for determining cultural heritage value or interest is prescribed by Ontario Regulation 9/06 and must be achieved in accordance with the Ontario Heritage Act to constitute a heritage designation under Part IV of the Act.

Council is empowered under the Act to:

- Designate individual property, districts or areas;
- Process permits to alter or demolish a property designated under Part IV or V of the Act in accordance with the Act and Ontario Regulation 385/21, as amended;
- Issue or refuse permits to alter or demolish a property designated under Part IV or V of the Act;
- Repeal or amend By-laws designating property under Part IV or V of the Act in accordance with the Act and Ontario Regulation 385/21, as amended;
- Purchase or lease property designated under Part IV of the Act, as amended;
- Provide grants and loans to owners of properties designated under Part IV or V of the Act, as amended;
- Enter into easements and covenants in accordance with the Act, as amended;
- List properties on the Municipal Register as properties of interest

These statutory powers give the following responsibilities to a municipal Council:

- Setting the municipal budget to be used for heritage conservation practices, programs and processes;

- Carrying out heritage conservation policies in the Official Plan and its amendments;
- Carrying out heritage conservation practices in accordance with other municipal By-laws, policies or plans;
- Consulting with the Municipal Heritage Committee, where one is established, where required by the Ontario Heritage Act; and,
- Having due regard for the Municipal Heritage Committee's advice and recommendations.